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FIRST DIVISION

[G.R. No. 142416. February 11, 2003]

PEOPLE OF THE PHILIPPINES, *plaintiff-appellee, vs.* **FRANCISCO SORONGON,** ***alias*** **"Toto",** *accused-appellant.*

SYNOPSIS

Accused-appellant Francisco Sorongon *alias* "Toto" was convicted of rape by the Regional Trial Court of Digos, Davao del Sur and was sentenced to suffer the penalty of *reclusion perpetua*. In his appeal before the Court, appellant assailed the trial court's assessment of the credibility of the victim Milagros Eyo, and in not believing that they were sweethearts.

The Supreme Court affirmed appellant's conviction. According to the Court, the victim's act of crying during her testimony bolsters her credibility of the rape charge with verity born out of human nature and experience. Her testimony was further corroborated by the medical examination which the victim had undergone two days after the incident. The results of the medical examination showed that Milagros suffered fresh hymenal lacerations consistent with the date of the rape. The said evidence leaves no doubt in the mind of the Court that the victim was indeed raped. The Court was not also persuaded by appellant's sweetheart theory. His theory is inconsistent with the act of undergoing medical examination. Moreover, while appellant insisted that he had a Valentine's card, no such card was presented in court.

SYLLABUS

1. REMEDIAL LAW; EVIDENCE; CREDIBILITY OF WITNESSESS; ENTRIES IN A POLICE BLOTTER, THOUGH REGULARLY DONE IN THE COURSE OF THE PERFORMANCE OF OFFICIAL DUTY, ARE NOT CONCLUSIVE PROOF OF THE TRUTH OF SUCH ENTRIES FOR THEY ARE OFTEN INCOMPLETE AND INNACURATE.— In his first assignment of error, accused-appellant noted that Milagros testified in open court that she was raped whereas she claimed before the Kapatagan police that accused-appellant only attempted to rape

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her. Hence, Milagros did not present the PNP blotter book in evidence. On this score, we agree with the trial court when it held: The minor inconsistencies in the private complainant's statements during the time she was investigated by the *Barangay* Captain of Kapatagan and at the time she was investigated by the police in Digos, Davao del Sur are quite understandable for a *barrio* lass who was there present to air the acts of the accused which are repugnant to her modesty. These inconsistencies pointed by the defense, however, were not made during the trial proper or during the time she was presented in Court but "inconsistencies" which were simply placed or put in writing in the blotter book by persons other than herself. Entries in a police blotter, though regularly done in the course of the performance of official duty, are not conclusive proof of the truth of such entries for they are often incomplete and inaccurate. They, therefore, should not be given undue significance or probative value as to the facts stated therein. Blotter entries are merely *prima facie* proofs of the facts stated therein.

2. ID.; ID.; ID.; THE VICTIM'S ACT OF CRYING DURING HER TESTIMONY BOLSTER THE CREDIBILITY OF THE RAPE CHARGE WITH THE VERITY BORN OUT OF HUMAN NATURE AND EXPERIENCE.— The victim's act of crying during her testimony bolsters the credibility of the rape charge with the verity born out of human nature and experience. Well-settled is the rule that findings of facts and assessment of credibility of witnesses is a matter best left to the trial court because of its unique position of having observed that elusive and incommunicable evidence of the witnesses' deportment on the stand while testifying, which opportunity is denied to the appellate courts. For this reason, the trial court's findings are accorded finality, unless there appears in the record some fact or circumstance of weight which the lower court may have overlooked, misunderstood or misappreciated and which, if properly considered, would alter the results of the case. Significantly, Milagros' testimony that she was in fact raped by accused-appellant was corroborated by the medical examination which Milagros had undergone two days after the incident. The results of the medical examination showed that Milagros suffered fresh hymenal lacerations consistent with the date of the rape. This kind of evidence leaves no doubt in our mind that, indeed, Milagros was raped.

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3. ID.; ID.; ID.; SWEETHEART THEORY; INCONSISTENT WITH THE VICTIM'S ACT OF UNDERGOING MEDICAL EXAMINATION.— Accused-appellant argues that the trial court erred in disregarding his testimony that he and Milagros were sweethearts. We are not persuaded. This theory is inconsistent with Milagros' act of undergoing medical examination. Moreover, while accused-appellant insisted that he had a Valentine's card, no such card was presented in court. In *People v. Corea*, we held that: x x x Moreover, even if such averment is true, it does not necessarily follow that no rape can be committed against one's sweetheart. Such a relationship provides no license to explore and invade that which every virtuous woman holds so dearly and trample upon her honor and dignity. That relationship is held sacred by many x x x. A sweetheart cannot be forced to engage in sexual intercourse against her will. As a matter of fact, proof even of a prior history of a common-law marital relationship will not prevail over clear and positive evidence of copulation by the use of force or intimidation.

APPEARANCES OF COUNSEL

Solicitor General for plaintiff-appellee.
Victoriano P. Cadungog for accused-appelant.

D E C I S I O N

YNARES-SANTIAGO, *J.*:

Accused-appellant Francisco Sorongon was charged with rape in an Information[1] which reads:

That on or about February 14, 1996, in the Municipality of Digos, Province of Davao del Sur, Philippines, and within the jurisdiction of this Honorable Court, the said accused, with lewd designs, did then and there willfully, unlawfully and feloniously, by means of force, violence and intimidation, that is, by then and there pulling the offended party by the hand towards a grassy field, boxing her abdomen, covering her mouth, pressing a knife at her abdomen and

[1] *Rollo*, p. 12.

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threatening to kill her should she resist, mashing her private parts, did then and there willfully, unlawfully and feloniously lie with and have carnal knowledge of the said offended party, Milagros Eyo, against her will and consent.

Complainant Milagros Eyo left her workplace on February 14, 1996 at around 6:00 in the evening. While walking towards her home in Sampaguita, Kapatagan, Digos, Davao del Sur, she became aware of someone following her. She looked back and saw accused-appellant Francisco Sorongon. Before she could make any move, accused-appellant suddenly grabbed her left hand and pressed a knife against her abdomen. Milagros tried to attract attention by repeatedly shouting for help but accused-appellant silenced her by punching her in the abdomen, covering her mouth and pressing a knife at her.

Accused-appellant pushed Milagros to a grassy field beside the road where she was made to lie down. In that position, accused-appellant touched her breasts and private parts. Despite resistance, accused-appellant easily overpowered Milagros and rendered her unconscious when he stepped on her face.

When Milagros recovered consciousness, she felt pain all over her body including her private parts. She found accused-appellant lying on top of her repeatedly thrusting his organ into her vagina. It was at this point that her neighbors, Francisco Ontalan and Nonoy Rosima, arrived and caused accused-appellant to flee. Her neighbors took her home.

Dr. Salud dela Cruz, Rural Officer of Digos, Davao del Sur, conducted a genital examination two days later and found a fresh lacerated wound about 0.5 cm. in diameter in the fourchette and a fresh lacerated wound on the hymen at the 6:00 o'clock position.[2]

Accused-appellant, on the other hand, claims that Milagros was his sweetheart. Because it was Valentine's day, he fetched her from her workplace. As they were walking home, they were carried away by their emotion. They started kissing and hugging each other. The foreplay was suddenly interrupted by a flashlight

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[2] Exhibit "E", Records, p. 7.

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trained on them. To cover up Milagros' embarrassment, she pretended that she was raped by accused-appellant. She allegedly tried to show some resistance and even bit his small finger which caused some blood to drip. She then filed charges of rape against him.

The trial court gave credence to the prosecution's version and rendered a decision,[3] the dispositive portion of which reads:

> WHEREFORE, in conformity with all the foregoing and considering that the crime of rape was committed with the use of bladed weapon, and in order to serve the ends of justice, the Court is left with no other alternative but to impose upon the accused the penalty of *RECLUSION PERPETUA* with the accessory penalties provided for by law and to indemnify the victim the amount of ₱100,000.00 as moral and exemplary damages.
>
> Accused FRANCISCO SORONGON, being detained is entitled to full credit of the preventive imprisonment he had undergone provided he has signed his conformity to abide by the rules and regulations imposed upon inmates by the provincial jail authorities of Davao del Sur, otherwise he shall be entitled to only 4/5 of the preventive imprisonment he had undergone.

Hence this appeal, raising the following errors:

I. The trial court erred in believing private complainant's allegation of rape contrary to what she reported at the Kapatagan Police Detachment that the accused merely attempted to rape her.

II. The trial court erred in not finding that complainant lied when she testified that a sharp knife was used and pressed on her stomach contrary to what the medical certificate shows that there was no stomach injury and that her t-shirt showed no tear or perforation.

III. The trial court erred in not finding that private complainant lied and her testimonies were incredible when she claimed that accused-appellant boxed her at the epigastric part of the stomach 30 to 35 times.

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[3] Penned by Judge Rodolfo A. Escovilla of the Regional Trial Court of Digos, Davao del Sur, Branch 18.

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IV. The trial court erred in not believing that they were sweethearts.[4]

In fine, accused-appellant assails the trial court's assessment of the credibility of Milagros.

Credible witness and credible testimony are the two essential elements for the determination of the weight of a particular testimony. This principle could not ring any truer where the prosecution relies mainly on the testimony of the complainant, corroborated by the medico-legal findings of a physician. Be that as it may, the accused may be convicted on the basis of the lone uncorroborated testimony of the rape victim, provided that her testimony is clear, convincing and otherwise consistent with human nature.[5]

In his first assignment of error, accused-appellant noted that Milagros testified in open court that she was raped whereas she claimed before the Kapatagan police that accused-appellant only attempted to rape her. Hence, Milagros did not present the PNP blotter book in evidence.

On this score, we agree with the trial court when it held:

> The minor inconsistencies in the private complainant's statements during the time she was investigated by the *Barangay* Captain of Kapatagan and at the time she was investigated by the police in Digos, Davao del Sur are quite understandable for a *barrio* lass who was there present to air the acts of the accused which are repugnant to her modesty. These inconsistencies pointed by the defense, however, were not made during the trial proper or during the time she was presented in Court but "inconsistencies" which were simply placed or put in writing in the blotter book by persons other than herself.

Entries in a police blotter, though regularly done in the course of the performance of official duty, are not conclusive proof of the truth of such entries for they are often incomplete and inaccurate. They, therefore, should not be given undue significance

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[4] *Rollo*, pp. 60–84.

[5] *People v. Dy*, G.R. Nos. 115236-37, January 29, 2002.

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or probative value as to the facts stated therein. Blotter entries are merely *prima facie* proofs of the facts stated therein.[6]

On the other hand, the trial court doubted the testimonies of the defense witnesses when it observed that:

> The testimonies of the defense witnesses, Barangay Captain Gidel Romero, Barangay Kagawad Benjamin Benzuelo and Barangay Kagawad Cornelio Cometa (whose desire for acquittal is understandable considering the fact that the *barangay* captain is related to the accused) which were all geared towards attacking the credibility of the private complainant, appear to be fabricated, not credible and are not enough to successfully assail the credible and straightforward testimony of the private complainant whose deportment, behavior and manner of testifying during trial has been fully observed by this Court. The private complainant even shed tears when asked to recount the harrowing experience she has had with the accused and who even bit her lips when asked to identify the man who brutally ravished her body.[7]

The victim's act of crying during her testimony bolsters the credibility of the rape charge with the verity born out of human nature and experience.[8]

Well-settled is the rule that findings of facts and assessment of credibility of witnesses is a matter best left to the trial court because of its unique position of having observed that elusive and incommunicable evidence of the witnesses' deportment on the stand while testifying, which opportunity is denied to the appellate courts. For this reason, the trial court's findings are accorded finality, unless there appears in the record some fact or circumstance of weight which the lower court may have overlooked, misunderstood or misappreciated and which, if properly considered, would alter the results of the case.[9]

Significantly, Milagros' testimony that she was in fact raped by accused-appellant was corroborated by the medical examination which Milagros had undergone two days after the incident. The

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[6] *People v. Durohom*, G.R. No. 146276, November 21, 2002.

[7] Decision, *Rollo*, pp. 34–35.

[8] *People v. Dy, supra.*

[9] *People v. Aspuria*, G.R. Nos. 139240-43, November 12, 2002.

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results of the medical examination showed that Milagros suffered fresh hymenal lacerations consistent with the date of the rape. This kind of evidence leaves no doubt in our mind that, indeed, Milagros was raped.

Accused-appellant next argues that the trial court erred in giving credence to Milagros' testimony that she was boxed on the abdomen 30 to 35 times and a sharp knife was used and pressed on her abdomen considering that the medical certificate showed no abdominal injury and her t-shirt was not torn or perforated.

This contention is without merit. Again, we agree with the trial court's finding that:

> The accused' contention that the private complainant lied when she testified that she was boxed and a knife was pointed to her considering that the Medical Certificate shows no injury on the stomach and that the T-shirt presented in Court was neither torn nor perforated, holds no water, for in the first place, there was no testimony from the private complainant to the effect that she was injured or wounded. Besides, the Medical Certificate reveals the fact that there was abrasion of her right thigh, contusion on the maxillary area (left) and multiple abrasion on the face. The multiple abrasion on the face may have been the result of the accused' act of stepping on the private complainant's face.[10]

Lastly, accused-appellant argues that the trial court erred in disregarding his testimony that he and Milagros were sweethearts. We are not persuaded. This theory is inconsistent with Milagros' act of undergoing medical examination. Moreover, while accused-appellant insisted that he had a Valentine's card, no such card was presented in court.

In *People v. Corea*,[11] we held that:

> x x x Moreover, even if such averment is true, it does not necessarily follow that no rape can be committed against one's sweetheart. Such a relationship provides no license to explore and invade that which every virtuous woman holds so dearly and trample upon her honor and dignity. That relationship is held sacred by many x x x A sweetheart cannot be forced to engage in sexual intercourse against her will. As a matter of fact, proof even of a prior history of a common-law marital relationship

[10] Decision, *Rollo*, pp. 33–34.

[11] Cited in *People v. Padrigone*, G.R. No. 137664, May 9, 2002.

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will not prevail over clear and positive evidence of copulation by the use of force or intimidation.

On the matter of damages, the trial court ordered accused-appellant to "indemnify" the victim ₱100,000.00 as moral and exemplary damages. In *People v. Padrigone,*[12] it was held that civil indemnity is mandatory upon the finding of the fact of rape. This is distinct from and should not be denominated as moral damages or, in this case, moral and exemplary damages, which are based on different jural foundations and assessed by the court in the exercise of sound discretion. Thus, in accordance with current jurisprudence, accused-appellant is ordered to pay ₱50,000.00 as civil indemnity *ex delicto.*

The award of moral damages is in accord with jurisprudence. Moral damages in the amount of ₱50,000.00 are awarded in rape cases without need of proof other than the fact of the rape itself, because it is assumed that the victim has suffered moral injuries entitling her to such an award.[13]

Likewise, the award of exemplary damages is justified. The circumstance of use of a deadly weapon was duly alleged in the information and proven at the trial. In *People v. Edem,*[14] we awarded exemplary damages in the amount of ₱25,000.00 in a case of rape committed with the use of a deadly weapon.

WHEREFORE, the decision of the Regional Trial of Digos, Davao del Sur, Branch 18, finding accused-appellant Francisco Sorongon *alias* "Toto" guilty beyond reasonable doubt of the crime of rape is *AFFIRMED* with the *MODIFICATION* that he is ordered to pay the offended party, Milagros Eyo ₱50,000.00 as civil indemnity *ex delicto*, ₱50,000.00 as moral damages and ₱25,000.00 as exemplary damages.

SO ORDERED.

Davide, Jr., C. J. (Chairman), Vitug, Carpio, and *Azcuna, JJ.*, concur.

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[12] G.R. No. 137664, May 9, 2002.

[13] *People v. Amante*, G.R. Nos. 149414-15, November 18, 2002.

[14] G.R. No. 130970, February 27, 2002.