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FIRST DIVISION

[G.R. Nos. 139637-38. January 22, 2003]

PEOPLE OF THE PHILIPPINES, *plaintiff-appellee, vs.* **MANUEL ESPERIDA,** *accused-appellant.*

SYNOPSIS

Accused-appellant Manuel Esperida was convicted of two counts of rape by the Regional Trial Court of Makati City and was sentenced to suffer the penalty of *reclusion perpetua.* In his appeal before the Court, appellant argued that the trial court's finding that the food and drink were laced with drugs which made complainant fall asleep, was based on mere surmise and speculation considering that no laboratory test was conducted immediately after the incident.

The Supreme Court affirmed appellant's conviction. It upheld the decision of the trial court in giving credence to complainant's version of the case. In addition, the medical findings presented to the court during trial corroborated complainant's claim that she had been sexually violated by appellant. The Court also considered the fact that complainant immediately reported the incident to her sister and then to the authorities which led to the filing of the complaint. Said act, according to the Court, bolstered her charge of rape because no woman would be willing to undergo a public trial and put up with the shame, the humiliation,and the dishonor of exposing her own degradation were it not to condemn injustice and to have the offender apprehended and punished.

SYLLABUS

1. REMEDIAL LAW; EVIDENCE; CREDIBILITY OF WITNESSES; A MATTER BEST UNDERTAKEN BY TRIAL COURTS.— In resolving rape cases, the complainant's credibility becomes the single most important issue. In view of the intrinsic nature of the crime of rape where only two persons normally are involved, the testimony of the complainant must always be scrutinized with great caution, and the evidence for the prosecution must stand or fall on its own merits and should not be allowed to

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gain validity from the lack of evidence for the defense. After a careful review of the evidence on record, specifically the testimony of the complainant, we find that the trial court did not err in giving credence to complainant's version of the case. The assessment of the credibility of witness and their testimony is a matter best undertaken by the trial court because of its unique opportunity to observe the witnesses firsthand; and to note their demeanor, conduct and attitude under examination. Its findings on such matters are binding and conclusive on appellate courts unless some facts or circumstances of weight and substance have been overlooked, misapprehended or misinterpreted.

2. ID.; ID.; ID.; CREDIBILITY OF COMPLAINANT, SUSTAINED.— Evidence on record shows that when asked to recount her harrowing experience in the hands of accused-appellant, complainant cried. In *People v. De Guzman,* it was held that the cry of the victim during her testimony bolsters the credibility of the rape charge with the verity born out of human nature and experience. Moreover, no woman would be willing to undergo a public trial and put up with the shame, the humiliation and the dishonor of exposing her own degradation were it not to condemn injustice and to have the offender apprehended and punished. The embarassment and stigma she suffers in allowing an examination of her private parts and testifying in open court on the painfully intimate details of her ravishment effectively rule out the possibility of a false accusation of rape. Her account of her horrible ordeal evinces sincerity and truthfulness. The fact that she immediately reported the incident to her sister and then to the authorities which led to the filing of the complaint bolster her charge of rape. Indeed, if a young girl had voluntarily submitted herself to an intimate relationship with a man, her most natural reaction would have been to conceal it as this would bring disgrace to her honor and shame to her family. In addition, Dr. Umil's medical findings, presented to the court during trial, corroborated complainant's claim that she had been sexually violated by accused-appellant. When the testimony of a rape victim is consistent with the medical findings, sufficient basis exists to warrant a conclusion that essential requisites of carnal knowledge has thereby been established.

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3. CRIMINAL LAW; RAPE; ELEMENTS; GRAVAMEN OF THE CRIME.— 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, even though neither of the circumstances mentioned in the two next preceding paragraphs shall be present. The *gravamen* of rape is carnal knowledge of a woman against her will or without her consent.

APPEARANCES OF COUNSEL

The Solicitor General for plaintiff-appellee.
Barbadillo Law Office for accused-appellant.

D E C I S I O N

YNARES-SANTIAGO, *J.*:

Accused-appellant Manuel Esperida appeals the decision[1] of the Regional Trial Court of Makati City, Branch 62, in Criminal Case No. 98-1805-06, finding him guilty beyond reasonable doubt of two counts of rape and sentencing him to suffer the penalty of *Reclusion Perpetua* in each case and to pay complainant Tessie Apolinar the sum of ₱50,000.00 as moral damages.

On August 7, 1998, two separate Informations were filed against accused-appellant. The first amended information, docketed as Criminal Case No. 98-1805 reads:

That on or about the 9th day of July, 1998, in the City of Makati, Metro Manila, Philippines, a place within the jurisdiction of this Honorable Court, the above-named accused, by means of force and intimidation, while the victim was asleep, did then and there willfully, unlawfully and feloniously have carnal knowledge of Tessie Apolinar *y* Parani who is eighteen (18) years of age against her will and consent.[2]

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[1] Penned by Judge Robert C. Diokno.

[2] Records, p. 21.

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The second information was docketed as Criminal Case No. 98-1806 and reads as follows:

That on or about the 10th day of July, 1998, in the City of Makati, Philippines, a place within the jurisdiction of this Honorable Court, the above-named accused, by means of force and intimidation, did then and there willfully, unlawfully and feloniously have carnal knowledge of Tessie Apolinar *y* Parani who is eighteen (18) years of age against her will and consent.[3]

When arraigned one September 9, 1998, accused-appellant pleaded not guilty to both cases. Trial followed and, thereafter, the court *a quo* rendered a judgment of conviction, the dispositive portion of which reads:

WHEREFORE, in Criminal Case No. 98-1805 and in Criminal Case No. 98-1806, Accused Manuel Esperida y Dio, is found GUILTY beyond reasonable doubt of the crime of rape, as defined and penalized under Art. 266-B, respectively, of the Revised Penal Code; he is hereby sentenced in each of the cases to suffer the penalty of *reclusion perpetua* and to pay Complainant Tessie Apolinar, the sum of ₱50,000.00 as moral damages. No pronouncement as to costs.

SO ORDERED.[4]

The evidence of the prosecution established the following facts:

A month prior to the incident, complainant and accused-appellant became "phonepals." They talked on the telephone at least twice a week. On July 9, 1998, at 7:00 in the morning, accused-appellant called up the complainant. He offered to help her find a job as sales personnel and asked her if they can meet at Wendy's, Boni Avenue. Later, he changed the meeting place to Rustan's Department Store in Makati. He told complainant that if he is not there, she has to call him up. Complainant, eager to find a job, agreed to meet accused-appellant. When she arrived at Rustan's, accused-appellant

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[3] *Ibid.*, p. 4.

[4] *Rollo*, p. 30.

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was not there, so complainant called him up on the telephone. He told her to meet him instead at No. 25 Pili Street, Forbes Park, Makati, because the person who was going to help her find employment was there. He advised her to tell the guards that she was going to visit her cousin. Complainant arrived at the house around noon but only accused-appellant was there. He told her to wait for the person who was supposed to help her. At 4:30 p.m., accused-appellant offered her some food. After they finished eating, complainant went to the living room and, shortly thereafter, she felt dizzy and fell asleep. When she woke up, she found herself lying naked inside a room with accused-appellant lying beside her, also naked. She felt pain in her vagina and there were blood and sticky substance coming from it. She put on her dress and went out of the bedroom. However, all the doors were padlocked, so she just stayed in the living room and cried.

Accused-appellant came out of the room and asked complainant to have sex with him again. She refused, so he poked a gun at her and dragged her to the bedroom. Accused-appellant took off her pants and panties, lay on top of her and had sexual intercourse with her. Thereafter, complainant got dressed and tried to call up her sister, Jocelyn Del Prado on the telephone. However, accused-appellant followed her and pressed the plunger every time she dialed the number of her sister.

At 5:30 in the morning of the following day, while accused-appellant was taking a bath, complainant was able to contact her sister and she told her that she was raped. Jocelyn advised her not go anywhere because she was going to fetch her. When accused-appellant found out that complainant's sister was coming over, he immediately left the house. Jocelyn called up her brother-in-law and both of them went to the Forbes Park Security Office. Together with some security guards, they went to the house and found complainant sitting near the door. They proceeded to the Damariñas gate of Forbes Park and saw accused-appellant being held by another security guard. Investigations were conducted by the *barangay* officials of Forbes Park and the police of Precinct 6, Makati City Police Station. Thereafter,

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complainant was brought to the National Bureau of Investigation where she was physically examined by Medico-Legal Officer, Dr. Armie Soreta M. Umil, who found fresh lacerations on complainant's fourchette and hymen.

In his defense, accused-appellant maintains that complainant was his girlfriend and that their sexual congress was mutual and consensual. According to him, complainant first called him up sometime in February or March 1998 by randomly dialing phone numbers. Thereafter she frequently called him while he was on duty. Complainant sometimes let her sister talk to him and he told her that he was a security guard. Three months after the first call, complainant became his girlfriend even though they have not seen each other in person. He recalled that on July 8, 1998, complainant called him up and asked if they could meet at Wendy's the following day. He told her he was not sure because he had to ask permission first from his employer. The following day, complainant called to tell him that she was waiting for him at Wendy's. Hoping that he was going to be given a day off by his employer, he told her to wait for him at Rustan's. When he failed to show up at Rustan's, complainant, called him up. Accused-appellant told her that he cannot meet her, so she asked for the address of his workplace.

At noontime, accused-appellant was surprised when complainant arrived. They ate lunch together, after which, they went to the living room. He sat down beside her on the sofa and kissed her. Since complainant did not resist, he lay his head on her lap, touched her shoulder and caressed her breasts. Meanwhile, Salvador Arieta, his employer's driver, arrived and he introduced her to him. When Arieta left at 4:00 p.m., they started caressing each other. Accused-appellant inserted his hand inside her panties. Then they went upstairs and had sexual intercourse. Thereafter, they went back to the living room and listened to music until 6:00 p.m. Complainant went upstairs and when he followed her, he saw her lying in bed wrapped only by a towel. He kissed her and they had sexual intercourse for the second time. The third time they had sexual intercourse was when accused-appellant woke up at midnight and saw her still awake.

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The following morning, accused-appellant went to Guadalupe to get a haircut but complainant stayed behind because she was going to wait for her sister. While in Guadalupe, he called up the house to ask if complainant was still there, but was told to come back immediately because complainant reported to the security office of the subdivision that she had been raped. When accused-appellant arrived, complainant and her sister had left. A roving guard passed by and informed him that someone had complained against him of rape.

In the instant appeal, accused-appellant raises the following assignment of errors, *viz*:

I

THE TRIAL COURT ERRED IN FINDING THAT THE FOOD AND DRINK TAKEN BY THE PRIVATE COMPLAINANT WAS LACED WITH DRUGS SOLELY ON THE BASIS OF SPECULATION AND SURMISES;

II

THE TRIAL COURT ERRED IN NOT HOLDING THAT THE PRIVATE COMPLAINANT'S REACTION AFTER THE SUPPOSED FIRST SEXUAL INTERCOURSE BELIES ACCUSATION OF RAPE; AND IN BELIEVING THE PRIVATE COMPLAINANT'S VERSION AS GOSPEL TRUTH, WHEN SHE HERSELF APPEARS TO BE INCREDIBLE AS A WITNESS, AS AMONG OTHERS, SHE TOLD LIES ON MATERIAL POINTS, RENDERING HER TESTIMONY UNWORTHY OF BELIEF;

III

THE TRIAL COURT GRAVELY ERRED IN CONVICTING THE ACCUSED, DESPITE THE GLARING INSUFFICIENCY OF THE PROSECUTION'S EVIDENCE TO OVERCOME THE CONSTITUTIONAL PRESUMPTION OF INNOCENCE.

Accused-appellant argues that the trial court's finding that the food and drink were laced with drugs which made complainant fall asleep was based on mere surmise and speculation considering that no laboratory test was conducted immediately after the incident.

We are not convinced.

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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, even though neither of the circumstances mentioned in the two next preceding paragraphs shall be present. The *gravamen* of rape is carnal knowledge of a woman against her will or without her consent.[5]

In resolving rape cases, the complainant's credibility becomes the single most important issue. In view of the intrinsic nature of the crime of rape where only two persons normally are involved, the testimony of the complainant must always be scrutinized with great caution, and the evidence for the prosecution must stand or fall on its own merits and should not be allowed to gain validity from the lack of evidence for the defense.[6]

After a careful review of the evidence on record, specifically the testimony of the complainant, we find that the trial court did not err in giving credence to complainant's version of the case. The assessment of the credibility of witness and their testimony is a matter best undertaken by the trial court because of its unique opportunity to observe the witnesses firsthand; and to note their demeanor, conduct and attitude under examination. Its findings on such matters are binding and conclusive on appellate courts unless some facts or circumstances of weight and substance have been overlooked, misapprehended or misinterpreted.[7]

Evidence on record shows that when asked to recount her harrowing experience in the hands of accused-appellant, complainant cried. In *People v. De Guzman*,[8] it was held that the cry of the victim during her testimony bolsters the credibility

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[5] *People v. Ponsica*, G.R. Nos. 137661-63 July 4, 2002.

[6] *People v. Dulay*, G.R. Nos. 144082-83, April 18, 2002.

[7] *People v. Daramay*, G.R. Nos. 140235 & 142748, May 9, 2002.

[8] 343 SCRA 267, 274 [2000].

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of the rape charge with the verity born out of human nature and experience, Moreover, no woman would be willing to undergo a public trial and put up with the shame, the humiliation and the dishonor of exposing her own degradation were it not to condemn injustice and to have the offender apprehended and punished. The embarrassment and stigma she suffers in allowing an examination of her private parts and testifying in open court on the painfully intimate details of her ravishment effectively rule out the possibility of a false accusation of rape. Her account of her horrible ordeal evinces sincerity and truthfulness.[9] The fact that she immediately reported the incident to her sister and then to the authorities which led to the filing of the complaint bolster her charge of rape. Indeed, if a young girl had voluntarily submitted herself to an intimate relationship with a man, her most natural reaction would have been to conceal it as this would bring disgrace to her honor and shame to her family.[10]

In addition, Dr. Umil's medical findings, presented to the court during trial, corroborated complainant's claim that she had been sexually violated by accused-appellant. When the testimony of a rape victim is consistent with the medical findings, sufficient basis exists to warrant a conclusion that essential requisites of carnal knowledge has thereby been established.[11]

All told, we are convinced that accused-appellant is guilty of the two crimes of rape imputed on him by complainant. However, the award of damages by the trial court needs modification. Only moral damages in the amount of ₱50,000.00 was awarded by the trial court. It did not award civil indemnity in favor of the complainant. Civil indemnity is mandatory upon the finding of rape; it is automatically imposed upon the accused without need of proof other than the fact of the commission of rape.[12] Thus, complainant should be awarded another ₱50,000.00 as civil indemnity.

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[9] *People v. Velasquez*, G.R. Nos. 142561-62, February 15, 2002.

[10] *People v. Ramirez*, G.R. No. 136848, November 21, 2001.

[11] *People v. Somodio*, G.R. Nos. 134139-40, February 15, 2002.

[12] *People v. Solomon*, G.R. Nos. 130517-21, July 16, 2002.

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WHEREFORE, in view of the foregoing, the decision of the Regional Trial Court of Makati City, Branch 62, in Criminal Cases Nos. 98-1805-06, finding accused-appellant guilty of two counts of rape and sentencing him to suffer the penalty of *Reclusion Perpetua* in each case and to pay complainant Tessie Apolinar moral damages in the amount of ₱50,000.00 is *AFFIRMED* with *MODIFICATION*. As modified, accused-appellant is further ordered to pay complainant the sum of ₱50,000.00 as civil indemnity in each of the two cases. Costs against accused-appellant.

SO ORDERED.

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

FIRST DIVISION

[G.R. Nos. 141773-76. January 22, 2003]

PEOPLE OF THE PHILIPPINES, *plaintiff-appellee, vs.* **ROSENDO LAYOSO @ SENDONG,** *accused-appellant.*

SYNOPSIS

Accused-appellant was convicted of four counts of rape by the Regional Trial Court San Carlos City, Pangasinan, and was sentenced to suffer the penalty of *reclusion perpetua* for each count. In his appeal before the Court, appellant claimed that the trial court failed to appreciate in his favor the testimonies of all the prosecution witnesses on cross-examination. The said testimonies, especially that of private complainant Marlene Nitoya, are fraught with inconsistencies which demonstrate the improbability of the four incidents of rape or, at least, created doubts as to their commission.