Supreme Court E-Library

FIRST DIVISION

[G.R. Nos. 123269-72 & 131243. January 22, 2003]

PEOPLE OF THE PHILIPPINES, *plaintiff-appellee, vs.* **MARLON SARAZAN @ MARLON JARA,** *accused-appellant.*

SYNOPSIS

Appellant was found guilty of four counts of rape committed against three minor children. The victim Rachel testified that appellant made her smell something that caused her to lose consciousness; that when she regained consciousness, she felt disturbing pain on her hips and in her vagina. The victim Jovelyn also testified to the same effect that appellant at one time made her smell something that made her dizzy before appellant raped her; that in another occasion, appellant raped Jovelyn again. The victim Alona, on the other hand, testified that appellant offered her a drink that made her fell asleep. When she woke up, she felt stabbing discomfort on her hips and felt pain in her vagina when she urinated.

The Court affirmed the conviction of appellant. Loss of consciousness during the precise time of rape is not a compelling reason to disregard the weight of the testimonies of the three private complainants on affirmative matters which logically proved the commission of rape by appellant.

SYLLABUS

1. REMEDIAL LAW; EVIDENCE; CREDIBILITY OF WITNESSES; FINDINGS OF TRIAL COURT, RESPECTED. — When the credibility of witnesses is in issue, the trial court's assessment is accorded great weight because it has the unique opportunity to hear the testimony of witnesses and observe their deportment and manner of testifying. Thus, on appeal, 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. We find no sufficient justification to deviate from this time-honored

Supreme Court E-Library

principle in this appeal. We have thoroughly reviewed the records of this case together with the evidence on record and we find no cogent reason to depart from the conclusion reached by the trial court.

2. ID.; ID.; ID.; LOSS OF CONSCIOUSNESS AT TIME OF RAPE IS NOT A COMPELLING REASON TO DISREGARD AFFIRMATIVE TESTIMONIES OF RAPE VICTIMS. — Private complainants' loss of consciousness during the precise time of rape is not a compelling reason to disregard the weight of the testimonies of the three private complainants who testified on affirmative matters. To be sure, private complainants testified to facts and circumstances that occurred prior and subsequent to the rape, and which logically proved the commission thereof by accused-appellant. In a litany of cases, the Court sustained the trial court's conviction of an accused for rape on the basis of indirect evidence proffered by a rape victim. In the case of *People v. Fabro*, citing *People v. Palapal* and *People v. San Pedro*, it was held — It is but to be expected that if the sexual assault was committed against the victim while the latter was in a state of unconsciousness, she would not be able to testify on the actual act of sexual intercourse. It is precisely when the sexual intercourse is performed when the victim is unconscious that the act constitutes the statutory offense of rape (e)specially when, as in the instant case, the loss of consciousness was the result of appellant's act of violence. x x x Of course, an unconscious woman will not know who is raping her. If the defense theory were to be adopted, then it would be impossible to convict any person who rapes an unconscious woman, except only where a third person witnesses the crime. Henceforth, the clever rapist would simply knock his potential victim out of her senses before actually raping her, to be later immunized from conviction for insufficient identity. In a situation like this, the identity of the rapist is determined by the events preceding or following the victim's loss of consciousness. x x x In the same vein, a woman raped while unconscious will not be able to narrate to the court her defloration during that state. Nonetheless, her violation may be proved indirectly by other evidence. Here, the three private complainants were straightforward, categorical and unflinching in positively identifying accused-appellant as the same person who approached them and rendered them dizzy, weak and/or unconscious prior to raping them. They likewise unanimously

Supreme Court E-Library

declared on the witness stand that after each of them regained consciousness, all three of them experienced discomfort in their hips and in their genitalia.

3. ID.; ID.; ID.; TESTIMONY OF MINOR RAPE VICTIM, UPHELD. — Time and again, we have consistently ruled that when a woman, more so if a minor, states that she has been raped, she says in effect all that is necessary to show that rape was committed. For no woman, least of all a child, would weave a tale of sexual assaults to her person, open herself to examination of her private parts and later be subjected to public trial or ridicule if she was not, in truth, a victim of rape and impelled to seek justice for the wrong done to her. Thus, when the testimonies of an accused are pitted against the positive testimony of the rape victim who testified in a categorical, straightforward, spontaneous and frank manner, and who remains consistent, the rape victim is regarded as a credible witness, as in this case.

4. ID.; ID.; ID.; UPHELD IN THE ABSENCE OF ILL-MOTIVE. — What is more, it is unbelievable that the parents of the three private complainants would expose their daughters to embarrassment, ridicule and stigma just to mollify their feelings and falsely accuse an innocent man for a beastly act of rape. Worthy of note is the admission of accused-appellant himself that Alona is his cousin while Rachel and Jovelyn were his neighbors. Accused-appellant likewise declared that he was even referred to by the three private complainants as their *"Kuya"* and he regarded them as his sisters. These declarations of accused-appellant only underscore the fact that the private complainants had no ill-motive to falsely accuse him of rape; rather they were motivated by a desire to punish him as the author of the loathsome acts of rape upon their persons. It is well-settled that testimonies of victims who are young and of tender age deserve full credence and should not be so easily dismissed as a mere fabrication, especially where she has absolutely no motive to testify against the accused.

5. CRIMINAL LAW; RAPE; NOT NEGATED BY ABSENCE OF LACERATIONS ON THE VAGINA. — The rule is well-settled that the absence of lacerations on the vagina does not necessarily negate rape. The fact that the hymen was intact upon examination does not belie rape, for a broken hymen is not an essential element of rape, nor does the fact that the victim has remained a virgin negate the crime. In a prosecution

Supreme Court E-Library

for rape, the material fact or circumstance to be considered is the occurrence of the rape, which the prosecution in this case was able to prove beyond reasonable doubt.

6. REMEDIAL LAW; EVIDENCE; ALIBI; NOT APPRECIATED IN THE ABSENCE OF PHYSICAL IMPOSSIBILITY TO BE AT THE PLACE OF CRIME AT THE TIME OF ITS COMMISSION. — Anent his defense of denial and alibi, accused-appellant failed to present convincing proof that it was physically impossible for him to be at the *locus criminis* during the dates and times when these separate acts of rape were committed on the three minor private complainants. At any rate, accused-appellant's bare denials, which are unsubstantiated by convincing evidence, are not sufficient to create a reasonable doubt of the commission of the crimes. When the evidence convincingly connects the crime and the culprit, the probative value of denial becomes quite negligible.

7. CRIMINAL LAW; RAPE; CIVIL PENALTIES. — The trial court was correct in awarding to the private complainants the amount of ₱50,000.00 as civil indemnity for each act of rape. In addition, and consistent with prevailing jurisprudence, the amount of ₱50,000.00 should likewise be awarded as moral damages for each count of rape.

APPEARANCES OF COUNSEL

The Solicitor General for plaintiff-appellee.
Dennis Socrates for accused-appellant.

D E C I S I O N

YNARES-SANTIAGO, *J.*:

Accused-appellant Marlon Sarazan @ Marlon Jara was charged with five (5) counts of rape in five separate Informations, to wit:

In Criminal Case No. 10003[1] —

That sometime in the month of December 1991, in the evening, at Brgy. Tagumpay, Puerto Princesa City, Philippines and within the

[1] RTC Records, p. 2-a.

Supreme Court E-Library

Honorable Court, the said accused, with the use of force and intimidation did then and there willfully, unlawfully and feloniously have carnal knowledge with one Rachel Dancillo Azares, a minor, 9 years of age, without the consent and against the will of the latter.

In Criminal Case No. 10005[2] —

That sometime in the month of January 1992, or prior thereto, at Barangay Tagumpay, Puerto Princesa City, Philippines, and within the jurisdiction of this Honorable Court, the said accused, with the use of force, violence and intimidation, did then and there willfully, unlawfully and feloniously have carnal knowledge with one Jovelyn Alohado, a minor, 11 years old, without the consent and against the will of the latter.

In Criminal Case No. 10006[3] —

That on or about the month of February 1992, or sometime prior thereto, at Barangay Tagumpay, Puerto Princesa City, Philippines, and within the jurisdiction of this Honorable Court, the said accused, with the use of force, violence, and intimidation, did then and there willfully, unlawfully and feloniously have carnal knowledge with one Jovelyn Alohado, a minor, 11 years old, without the consent and against the will of the latter.

In Criminal Case No. 10007[4] —

That on or about the 8th day of March 1992 at Macasaet St., Puerto Princesa City, Philippines, and within the jurisdiction of this Honorable Court, the said accused, with the use of force, violence and intimidation, did then and there willfully, unlawfully and feloniously have carnal knowledge with one Jovelyn Alohado, a minor, 11 years old, without the consent and against the will of the latter.

In Criminal Case No. 10008[5] —

That on or about the 26th day of December 1991, and prior thereto, at Barangay Tagumpay, Puerto Princesa City, Philippines, and within

---

[2] *Ibid.*, p. 9.

[3] *Id.*, p. 12.

[4] *Id.*, p. 16.

[5] *Id.*, p. 22.

Supreme Court E-Library

the jurisdiction of this Honorable Court, the said accused, with the use of force, violence and intimidation, did then and there willfully, unlawfully and feloniously have carnal knowledge with one Alona Bula, a minor, 8 years old, without the consent and against the will of the latter.

CONTRARY TO LAW.

Accused-appellant pleaded "not guilty" to all counts. The five cases were jointly tried.

Criminal Case No. 10003

Rachel Azares,* nine year old girl, testified that at about 8:00 in the evening of December 11, 1991, while she was outside a store, about 10 meters away from her house, accused-appellant approached her and made her smell something that caused her to lose consciousness. When she came to at 8:30 in the evening, she found herself at the door of their house. She felt a disturbing pain on her hips and in her vagina. Accused-appellant admitted to her that he raped her in the house of her aunt. She did not tell her parents about the rape because she was scared that accused-appellant might kill them. Her parents learned about the rape incident from Mrs. Grace Umandap-Cantor, a teacher at the Puerto Princesa City Pilot Elementary School. Rachel underwent medical examination at the Provincial Hospital before filing the case against accused-appellant.[6]

Criminal Cases Nos. 10005, 10006 and 10007

Jovelyn Alohado was only ten years old when the rape subject matter of Criminal Case No. 10005 was committed sometime in January 1992. The other charge for rape in Criminal Case No. 10007 occurred on March 8, 1992, when Jovelyn was already eleven years old.

In Criminal Case No. 10006, accused-appellant was acquitted for failure of the prosecution to prove the charge of rape beyond reasonable doubt.

---

* Spelled as "Richel Azares" in the TSN.

[6] TSN, November 20, 1992, pp. 4-15.

Supreme Court E-Library

Jovelyn testified that she knew accused-appellant as the nephew of their neighbor in Brgy. Tagumpay, Puerto Princesa City Sometime, in January 1992, at nighttime, while her parents were not around, accused-appellant came to their house and made her smell something that made her dizzy. He held her hand and brought her to a banca anchored near their house by the Sea Plane at Brgy. Tagumpay, Puerto Princesa City. He forced her to lie down on the banca, removed her shorts and panties, inserted his penis into her private organ and made thrusting motions. She felt extreme pain. She was not able to struggle because of her dizziness. Afterwards, accused-appellant brought her back to her house.[7]

She did not reveal her ordeal to her mother or her teacher out of fear that accused-appellant would make good his threat to kill all three (Rachel Azares, Alona Bula and Jovelyn) of them.

Jovelyn further testified that in the afternoon of March 8, 1992, while she was playing with Rachel Azares, Alona Bula and Roldan Bula, accused-appellant arrived to fetch her and Roldan. He told them that they would go to the house of his employer at Macasaet Street, Puerto Princesa City. When they reached the place, accused-appellant gave Roldan comic books to read while she was brought to a room with a folding bed. When both of them were inside the room, he took out a knife from his jacket and told her not to tell anybody what he will do to her. He forced her to lie down, then took off her clothes, shorts and panties. He unzipped his pants, pulled out his penis, lay on top of her, and had sexual intercourse with her. She begged him to stop because it was painful, but he told her to just bear it. She was not able to shout for help because accused-appellant also put his tongue in her mouth and forced her to swallow his saliva. This, he said, will help alleviate the pain. After the sexual abuse, the three of them left the place on board a tricycle and went home.[8]

---

[7] TSN, September 30, 1998, pp. 4-11.

[8] *Ibid.*, pp. 11-17; TSN, October 30, 1992, p. 12.

Supreme Court E-Library

Jovelyn did not tell anyone what accused-appellant did because the latter threatened to kill her.[9] It was only when she was fifteen years old that she finally mustered the courage to tell her mother what happened. She was medically examined by Dr. Oliver S. Ong, Medical Health Officer III of the Provincial Health Office of Palawan, who found hymenal lacerations at 3:00, 7:00 and 9:00 positions.[10]

Criminal Case No. 10008

Alona Bula was only eight years old when she was raped. She testified that on December 26, 1991, at 7:00 in the evening, accused-appellant arrived at their house in Brgy. Tagumpay, Puerto Princesa City and told her to go to the house of her grandmother, about fifteen meters away from their house. When she got there, accused-appellant offered her a glass of water mixed with what looked like shaved wood. She drank it and, moments later, felt dizzy and fell asleep. She woke up the following morning and found herself back in their house. As she tried to walk, she felt a stabbing discomfort on her hips. She also felt pain in her vagina whenever she urinated.

Alona knew accused-appellant because he is the cousin of her father. Whenever accused-appellant would visit their house, he would tell them stories about witches. Her parents only learned about the rape incident in the last week of December after they read the letter of accused-appellant.[11]

The other witnesses for the prosecution testified as follows:

Mrs. Grace Umandap-Cantor, a grade school teacher at the Puerto Princesa City Pilot Elementary School, testified that on February 26, 1992, at 9:00 in the morning, accused-appellant came to school and introduced himself as the uncle of Jovelyn Alohado. She overheard accused-appellant talk to Jovelyn about their relationship. When Jovelyn came back to the room, she

---

[9] TSN, September 30, 1998, pp. 26 & 28.

[10] Records, p. 376.

[11] TSN, November 19, 1992, pp. 3-13.

Supreme Court E-Library

inquired about their conversation but Jovelyn replied, "*Ma'am hindi ko po puedeng sabihin sa inyo.*" (Ma'am, I cannot tell you.)[12]

On March 4, 1992, she got hold of a letter from accused-appellant addressed to Jovelyn Alohado. At that time, Jovelyn and her other students were having their mastery test. Fearing that the contents of the letter might disturb Jovelyn, she read the letter together with her co-teacher and found out that accused-appellant had sexually abused three students from Pilot Elementary School, including Alona Bula. After reading the letter, she told Jovelyn to bring her mother to the school.[13]

Roldan Bula testified that one Saturday afternoon in March 1992, accused-appellant told him that he would bring Jovelyn to the doctor for treatment. He went with accused-appellant and Jovelyn on board a tricycle to a house on Macasaet Street. While they were in the house, he heard Jovelyn shout and cry for about ½ hour while she was inside a room together with accused-appellant. He did not peep into the room because accused-appellant prohibited him from doing so. When they left, Jovelyn was crying. On their way home, he asked accused-appellant what he and Jovelyn did inside the room, but he did not answer.[14]

In his defense, accused-appellant denied having sexually abused the three private complainants. He testified that Alona Bula is his cousin while Rachel Azares and Jovelyn Alohado were his neighbors. The three private complainants were close to him and even called him "*Kuya.*" He admitted having sent a letter to Jovelyn but it was meant as a joke. He did not know the reason for the charges of rape filed against him by the three private complainants.

In Criminal Case No. 10003, accused-appellant denied Rachel's accusation of rape, saying that he went to Aborlan

---

[12] TSN, August 14, 1992, pp. 3-6; TSN, August 6, 1998, p. 15.

[13] *Ibid.*, pp. 7, 10.

[14] TSN, August 13, 1992, pp. 3-9, 11.

Supreme Court E-Library

on December 22, 1991[15] and returned to Puerto Princesa City on February 10, 1992.[16]

In Criminal Cases Nos. 10005 and 10007, accused-appellant claimed that he was in Aborlan the whole month of January 1992. On March 8, 1992, accused-appellant returned to Aborlan and came back to Puerto Princesa City only on March 9, 1992.[17]

In Criminal Case No. 10008, accused-appellant claimed that prior to December 1991, he was residing with his aunt, Estelita Descatamiento. He also worked there from June 15, 1990 to November 1990 as a repacker of dried fish. Alona is the niece of Estelita Descatamiento.[18]

On October 2, 1995, the Regional Trial Court of Puerto Princesa City, Branch 48, rendered a joint decision,[19] the dispositive portion of which reads:

> WHEREFORE, premises considered, the Court finds:
>
> 1. In Crim. Case Nos. 10003 and 10008 wherein Rachel Azares and Alona Bula are the private complainants involved respectively and in Crim. Case Nos. 10005 and 10007 both involving only Jovelyn Alohado, MARLON SARAZAN @ MARLON JARA GUILTY beyond reasonable doubt as principal of the crime of rape defined and penalized under Article 335 of the Revised Penal code and is hereby sentenced to suffer the penalty of *RECLUSION PERPETUA* for each cases (*sic*) and to indemnify RACHEL AZARES and ALONA BULA the sum of ₱50,000.00 each, JOVELYN ALOHADO the sum of ₱100,000.00 without subsidiary imprisonment in case of insolvency and to pay the costs.

---

[15] However, record (TSN, February 13, 1995, p. 2) shows that accused-appellant went to Aborlan on December 24, 1991.

[16] *Rollo*, p. 54.

[17] *Ibid.*

[18] *Ibid.*, at p. 55.

[19] Penned by Judge Amor A. Reyes.

Supreme Court E-Library

2. In Crim. Case No. 10006, for failure of the prosecution to prove the guilt of MARLON SARAZAN @ MARLON JARA, he is hereby ACQUITTED of the crime charged. With costs *de oficio.*

The preventive imprisonment undergone by the accused shall be credited in the service of his sentence.

SO ORDERED.[20]

In the instant appeal, accused-appellant contends that the trial court committed reversible error in not acquitting him on the basis of reasonable doubt. He further argues that there is no evidence of sexual intercourse; that the letter he sent to Jovelyn Alohado failed to show that he had carnal knowledge of any of the private complainants; and that his defense of denial and alibi should not have been disregarded.

The arguments of the accused-appellant fail to persuade us.

When the credibility of witnesses is in issue, the trial court's assessment is accorded great weight because it has the unique opportunity to hear the testimony of witnesses and observe their deportment and manner of testifying.[21] Thus, on appeal, 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.[22] We find no sufficient justification to deviate from this time-honored principle in this appeal. We have thoroughly reviewed the records of this case together with the evidence on record and we find no cogent reason to depart from the conclusion reached by the trial court.

Private complainants' loss of consciousness during the precise time of rape is not a compelling reason to disregard the weight of the testimonies of the three private complainants who testified

---

[20] *Rollo*, p. 60.

[21] *People v. Manlod*, G.R. Nos. 1422901-02, July 23, 2002.

[22] *People v. Dy, et al.*, G.R. Nos. 115236-37, January 29, 2002, citing *People v. Alvarez*, G.R. Nos. 135552-53, June 21, 2001.

Supreme Court E-Library

on affirmative matters. To be sure, private complainants testified to facts and circumstances that occurred prior and subsequent to the rape, and which logically proved the commission thereof by accused-appellant.

In a litany of cases,[23] the Court sustained the trial court's conviction of an accused for rape on the basis of indirect evidence proffered by a rape victim. In the case of *People v. Fabro*,[24] citing *People v. Palapal*[25] and *People v. San Pedro*[26] it was held —

> It is but to be expected that if the sexual assault was committed against the victim while the latter was in a state of unconsciousness, she would not be able to testify on the actual act of sexual intercourse. It is precisely when the sexual intercourse is performed when the victim is unconscious that the act constitutes the statutory offense of rape (e)specially when, as in the instant case, the loss of consciousness was the result of appellant's act of violence. x x x
>
> x x x Of course, an unconscious woman will not know who is raping her. If the defense theory were to be adopted, then it would be impossible to convict any person who rapes an unconscious woman, except only where a third person witnesses the crime. Henceforth, the clever rapist would simply knock his potential victim out of her senses before actually raping her, to be later immunized from conviction for insufficient identity.
>
> In a situation like this, the identity of the rapist is determined by the events preceding or following the victim's loss of consciousness. x x x
>
> In the same vein, a woman raped while unconscious will not be able to narrate to the court her defloration during that state. Nonetheless, her violation may be proved indirectly by other evidence.

The three private complainants — Rachel Azares, Alona Bula and Jovelyn Alehado — were straightforward, categorical

---

[23] *People v. Tabarangao*, 303 SCRA 623 (1999); *People v. Abiera*, 222 SCRA 378 (1993); *People v. Ulili*, 225 SCRA 594 (1993); *People v. Santiago*, 197 SCRA 556 (1991).

[24] 239 SCRA 146 (1994).

[25] 114 SCRA 783 (1982).

[26] 193 SCRA 384 (1993).

Supreme Court E-Library

and unflinching in positively identifying accused-appellant as the same person who approached them and rendered them dizzy, weak and/or unconscious prior to raping them. They likewise unanimously declared on the witness stand that after each of them regained consciousness, all three of them experienced discomfort in their hips and in their genitalia.

For the foregoing reason, there is likewise no merit in accused-appellant's contention that his conviction was based mainly on his letter to Jovelyn Alohado. The letter reads:

Dear Nining, Enday, & Alona,

Kaya ako nag Sulat Sainyo ay gosto kong wag kayong mag alaala sa inyong kalagayan diyan lalo kana Nining ay buo na ang iyong Bibi, sa tiyan mo Ningning kaya wag kang matakot pag nakapunta ako diyan ay bibigyan kita ng gamot diyan ganon din kay "Jovilyn " na buo na rin sa kanya pero kay "alona" ay hindi gaano kasi walong bisis kona siyang inolitan kaya matagal pa mag buo ang kanyang tiyan niya kaya ikaw "Ningning" ay wag kang matakot sa pagbuo ng iyong bibi mo at sakin ay hindi kita pababayan kaya maroon lang akong itatanong sa iyo na kong nag susuka kana o hindi ay gosto kong malaman ko kaagad dito pati na si "Jovilyn " ay sabihan morin siya kong nag susuka rin o hindi, kaya dalawa kayong magsulat sa akin dito kaya "Ningning" kapag nag patigas kayo ng olo na hindi ninyo ako sinolatan dito ay bahala kayo sa buhay ninyo ni "Jovilyn " at hindi koyan aakoin ang inyong Bibi kapag nag buntis kayong dalawa ni "Jovilyn " problima na ninyo sa magolang ninyo na mag buntis kayo pero "Ningning" kong matakot kayo sa magolang ninyo na ma buntis kayo ay sulatan mo ako kaagad para malaman ko ang iyong kalagayan diyan kong nag susoka ka o hindi kaya sundin mo ang sinasabi ko sa aking sulat na ito para hindi tayo mag karuon ng problima sa iyo "Ningning" kaya hintahin ko ang iyong ganti mo hanggang lunis Pitsa, 3 ng february, kaya wag kayong magpatigas ng olo ninyo ni "Jovilyn"gantihan ninyo kaagad, ito pala ang aking address:

TO: Marlon S. Jara
Public Markit
Aborla Palawan
c/o Azucina Castro x x x[27]

[27] Exhibit "C".

Supreme Court E-Library

The fact that no direct act of sexual congress was particularly mentioned in the letter of accused-appellant is no reason for us to ignore the other pieces of evidence of defloration committed on the three private complainants. As the trial court correctly opined —

> x x x For accused to claim the contents of the letter as a mere joke is shallow to the appreciation of any average mind. If accused has a mental defect even without subjecting him to mental tests of psychologists and/or doctors, that extent of lewdness in the questioned letter or message to the rape victims is a reflection of some capacity to have committed the charges on him.

Time and again, we have consistently ruled that when a woman, more so if a minor, states that she has been raped, she says in effect all that is necessary to show that rape was committed.[28] For no woman, least of all a child, would weave a tale of sexual assaults to her person, open herself to examination of her private parts and later be subjected to public trial or ridicule if she was not, in truth, a victim of rape and impelled to seek justice for the wrong done to her.[29] Thus, when the testimonies of an accused are pitted against the positive testimony of the rape victim who testified in a categorical, straightforward, spontaneous and frank manner, and who remains consistent, the rape victim is regarded as a credible witness, as in this case.

What is more, it is unbelievable that the parents of the three private complainants would expose their daughters to embarrassment, ridicule and stigma just to mollify their feelings and falsely accuse an innocent man for a beastly act of rape. Worthy of note is the admission of accused-appellant himself that Alona Bula is his cousin while Rachel Azares and Jovelyn Alohado were his neighbors at Barangay Tagumpay, Puerto Princesa City. Accused-appellant likewise declared that he was

---

[28] *People v. Dulay*, G.R. Nos. 144082-83, April 18, 2002, citing *People v. Tadeo,* G.R. Nos. 128884-85, December 3, 2001, citing *People v. Correa*, 269 SCRA 76 (1997); *People v. Malabago*, 271 SCRA 464 (1997).

[29] *People v. Silvano*, G.R. Nos. 141105-11, March 8, 2002; *People v. Perez,* G.R. Nos. 141647-51, March 6, 2002.

Supreme Court E-Library

even referred to by the three private complainants as their "*Kuya*" and he regarded them as his sisters. These declarations of accused-appellant only underscore the fact that the private complainants had no ill-motive to falsely accuse him of rape; rather they were motivated by a desire to punish him as the author of the loathsome acts of rape upon their persons. It is well-settled that testimonies of victims who are young and of tender age deserve full credence and should not be so easily, dismissed as a mere fabrication,[30] especially where she has absolutely no motive to testify against the accused.[31]

Similarly, the assertion of accused-appellant that rape is negated by the absence of laceration on the vagina of the three private complainants deserves scant consideration. Although only Jovelyn Alohado was medically found to have vaginal lacerations, the trial court was correct in finding accused-appellant guilty beyond reasonable doubt of having raped Rachel Azares and Alona Bula.

The rule is well-settled that the absence of lacerations on the vagina does not necessarily negate rape. The fact that the hymen was intact upon examination does not belie rape, for a broken hymen is not an essential element of rape, nor does the fact that the victim has remained a virgin negate the crime.[32] In a prosecution for rape, the material fact or circumstance to be considered is the occurrence of the rape,[33] which the prosecution in this case was able to prove beyond reasonable doubt.

Anent his defense of denial and alibi, accused-appellant failed to present convincing proof that it was physically impossible for him to be at the *locus criminis* during the dates and times

---

[30] *People v. Atienza*, 326 SCRA 802 (2000).

[31] *People v. Arofo, et al.*, G.R. No. 139433, April 11, 2002, citing *People v. Gonzales*, 338 SCRA 678 (2000) and *People v. Dabon*, 216 SCRA 656 (1992).

[32] *People v. Quiñanola*, 306 SCRA 710 (1999), citing *People v. Escober*, 281 SCRA 498 (1997).

[33] *People v. Espejon*, G.R. No. 134767, February 20, 2002, citing *People v. Losano*, 310 SCRA 707 (1999).

Supreme Court E-Library

when these separate acts of rape were committed on the three minor private complainants. It appears that it only takes an hour to travel by public transportation from Puerto Princesa City to Aborlan, and vice versa.[34] At any rate, accused-appellant's bare denials, which are unsubstantiated by convincing evidence, are not sufficient to create a reasonable doubt of the commission of the crimes. When the evidence convincingly connects the crime and the culprit, the probative value of denial becomes quite negligible.[35]

All told, the conviction of accused-appellant Marlon Sarazan @ Marlon Jara for four counts of rape in Criminal Cases Nos. 10003, 10005, 10007, and 10008 should be affirmed.

The trial court was correct in awarding to the private complainants the amount of ₱50,000.00 as civil indemnity for each act of rape.[36] In addition, and consistent with prevailing jurisprudence, the amount of ₱50,000.00 should likewise be awarded as moral damages for each count of rape.[37]

WHEREFORE, in view of all the foregoing, the decision of the Regional Trial Court of Puerto Princesa City, Branch 48, in Criminal Cases Nos. 10003, 10005, 10007 and 10008 finding accused-appellant MARLON SARAZAN @ MARLON JARA guilty beyond reasonable doubt of four counts of rape and sentencing him to suffer the penalty of *reclusion perpetua* for each count, is *AFFIRMED with the MODIFICATION* that accused-appellant is ordered to pay the following:

(a) In Criminal Case No. 10003, private complainant Rachel Azares is awarded the amounts of ₱50,000.00 as civil indemnity and ₱50,000.00 as moral damages;

---

[34] TSN, February 13, 1995, p. 2.

[35] *People v. Baroy, et al.*, G.R. Nos. 137520-22, May 9, 2002, citing *People v. Quisay*, 320 SCRA 450 (1999).

[36] *People v. Garcia*, G.R. No. 139753, May 7, 2002.

[37] *People v. Baldosa*, G.R. No. 138614, May 7, 2002.

Supreme Court E-Library

(b) In Criminal Case No. 10008, private complainant Alona Bula is awarded the amounts of ₱50,000.00 as civil indemnity and ₱50,000.00 as moral damages; and

(c) In Criminal Cases Nos. 10005 and 10007, private complainant Jovelyn Alohado is awarded the sums of ₱100,000.00 as civil indemnity and ₱100,000.00 as moral damages.

SO ORDERED.

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

FIRST DIVISION

[G.R. No. 131471. January 22, 2003]

CARMELITA T. PANGANIBAN, *petitioner, vs.* **PILIPINAS SHELL PETROLEUM CORPORATION,** *respondent.*

SYNOPSIS

Petitioner entered into a Sublease and Dealer Agreement (SLDA) with respondent. In a letter dated June 14, 1995, respondent notified petitioner that the SLDA was expiring on July 31, 1995. Respondent then advised petitioner to wind up her business on or before July 31, 1995. Believing that the SLDA had not yet expired and was still effective until December 31, 2002, petitioner continued to pay rentals for the gasoline station. Respondent refused to accept the payments. Thereafter, petitioner filed a petition for declaratory relief with the Regional Trial Court of Makati City. On the other hand, respondent filed an unlawful detainer case against petitioner with the Metropolitan Trial Court of Caloocan City. During the preliminary conference of the unlawful detainer case, petitioner moved for the suspension of the proceedings since the declaratory relief case