

EN BANC

[G.R. No. 132714, September 06, 2001]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
RENATO LALINGJAMAN, ACCUSED-APPELLANT.**

DECISION

YNARES-SANTIAGO, J.:

To prevent thirteen-year old Florabe Abaño from leading the life of a waif, Normilita Abaño-Lalingjaman, the sister of Florabe's mother, took custody of her. Staying with her aunt, however, proved to be Florabe's undoing because little did she know that the very haven which was supposed to shelter her from the harshness of the elements would be the place of her ravishment in the hands of her uncle.

In a Complaint^[1] she herself signed, Florabe Abaño charged herein accused-appellant Renato Lalingjaman with rape, alleging:

That sometime in the first week of June 1994 and for sometime subsequent thereto, in the City of Cebu, Philippines and within the jurisdiction of this Honorable Court, the said accused with deliberate intent and by means of violence, intimidation, did then and there unlawfully and feloniously have carnal knowledge of the undersigned, a minor, being 13 years of age, against her will.

CONTRARY TO LAW.

Upon arraignment, accused-appellant, assisted by counsel, pleaded "not guilty" to the offense charged.^[2] The case thereafter proceeded to trial. Subsequently, the Regional Trial Court of Cebu City, Branch XXIV rendered judgment convicting accused-appellant and imposing upon him the extreme penalty of death, thus:

WHEREFORE, in view of the foregoing, the Court finds the accused Guilty beyond reasonable doubt of the crime of Rape and ordered him to suffer the death penalty. He is ordered to pay the private complainant the sum of P30,000.00 as moral damages.

SO ORDERED.^[3]

On automatic review before this Court, accused alleges that -

THE TRIAL COURT ERRED IN GIVING FULL CREDENCE TO THE TESTIMONY OF THE PROSECUTION WITNESSES.

II

THE TRIAL COURT ERRED IN FINDING THE EVIDENCE FOR THE PROSECUTION SUFFICIENT TO ESTABLISH BEYOND REASONABLE DOUBT THE GUILT OF THE ACCUSED.

III

THE TRIAL COURT ERRED IN NOT ACQUITTING THE ACCUSED.

IV

THE TRIAL COURT ERRED IN IMPOSING THE DEATH PENALTY.

On the other hand, the Solicitor General recommends affirmance with the modifications that accused-appellant be: 1.] sentenced to suffer the penalty of *Reclusion Perpetua*; and 2.] made to pay private complainant the sum of: a.] Twenty Thousand Pesos (P20,000.00) as moral damages; b.] Seventy Five Thousand Pesos (P75,000.00) as civil indemnity and c.] Fifty Thousand Pesos (P50,000.00) as exemplary damages.

The prosecution's version of the incident is summarized thus in the People's brief:

In the first week of June 1994, thirteen (13) year old Florabe Abaño, together with her brother and sister, was left by her mother to the care of her aunt Melet Lalingjaman and uncle Renato Lalingjaman (appellant), in Lawis, Pasil, Cebu City. Her mother was going to Manila.^[4]

One night, she was awakened when appellant raised her skirt, kissed her lips, pulled down her panty and kissed her vagina. Then, appellant mounted on top of her and forced his penis into her vagina. She resisted by moving and wriggling her body but she could not free herself from the clutches of appellant because he is big. Likewise, she was not able to shout because of fear.^[5]

After appellant satisfied his beastly desires, he warned Florabe not to report to anyone what happened to her, otherwise he would kill her.^[6]

Later, however, Florabe reported the incident to her aunt Melet (wife of appellant) but to no avail. Consequently, she told it to her father.^[7]

On July 1, 1994, Florabe was brought to Cebu City Hospital by her father to be examined by Dr. Cecile Aquino.^[8]

Dr. Aquino's examination yielded the following medical findings^[9], viz:

*Introitu - admits two fingers with ease

*Old Healed lacerations in the hymen at 3:00 o'clock and 8:00 o'clock positions

*Presence of spermatozoa - negative

For his part, accused-appellant avers:

That he is 28 years old, married, and a resident of L. Flores St., Cebu City; that he was engaged in the business of selling spices at Carbon Market, that he know Florabe Abaño because her mother is the sister of his wife; that sometime in June 1994, his wife took Florabe Abaño and her brother and sister, to their house, because their parents had a serious quarrel and their mother left for Manila; that his wife took pity on Florabe because she did not stay in the house but kept on roaming around; that because of that the father of Florabe, Florentino Abaño, was mad at him and his wife, because he believed that they were instrumental in sending his wife, Virginia, to Manila; that Florentino Abaño warned him saying that "since you wrecked our marriage and our life, there is no measure for revenge"; that Virginia Abaño left for Manila sometime in the month of May 1994; that his house is a two (2) storey where they all sleep upstairs, and nobody sleeps downstairs which is the bodega of the spices they sell at Carbon Market; that Florabe, the two maids, the sister and brother of Florabe slept on the floor and he and his wife slept on a bed nearby; that Florabe's position was in the middle of the two maids and the two younger Abaño siblings; that in June 1994, he, his wife, his two maids, Florabe and her brother and sister slept in the sala upstairs; that the 40-watt fluorescent lamp is always on; that at every 2:00 o'clock in the morning he and his wife would go to Carbon market to sell spices; that it is not true that he raped Florabe Abaño in June 1994 while the latter was asleep; that it is impossible to commit the offense charged because the sala was small and the complainant was sleeping in the middle of the two maids and her brother and sister; that besides, the sala was well lighted with a 40-watt fluorescent lamp; that the reason why this case was filed was because of the hatred of Florentino Abaño to him; but he came to him in prison to ask for forgiveness.

Owing to the severity of the penalty imposed, the Court, in reviewing this case must be guided by the following principles: a.) an accusation for rape can be made with facility. While the commission of the crime may not be easy to prove, it becomes even more difficult for the person accused, although innocent, to disprove that he did not commit the crime; b.) in view of the intrinsic nature of the crime of rape where only two persons are normally involved, the testimony of the complainant must be always be scrutinized with extreme caution; and c.) the evidence for the prosecution must stand or fall on its own merits and cannot be allowed to draw strength from the weakness of the evidence of the defense.^[10] Thus, in a

prosecution for rape, the complainant's credibility becomes the single most important issue.^[11]

The Court has meticulously scrutinized the testimony of complaining witness Florabe Abaño and ultimately reached the conclusion that the acts charged did in fact occur. Florabe's testimony on the act of rape perpetrated against her by accused-appellant is clear and could only have been narrated by a victim subjected to such a sexual assault. Accused-appellant's bestiality is detailed in the following narration of the victim at the witness stand:

Q You mentioned that your mother left you at the residence of your uncle Renato and auntie Melet Lalingjaman in the first week of June, 1994, now will you please point to this Honorable Court your uncle whom you call to be Renato Lalingjaman?

A Witness points to one of the person seated on the accused bench who when asked answered to be Renato Lalingjaman.

x x x x x x x x x

Q What happened during your stay in the house of your uncle and auntie?

A I was raped.

Q Will you please tell this Court how you were raped?

x x x x x x x x x

A I was then sleeping when I woke up to feel that my breast was being touched after he raised up my T-shirt and he kissed my vagina and then after that he put out his penis and then my vagina and his penis touched each other and he placed himself on top of me.

x x x x x x x x x

FISCAL BELARMINO:

Q When the accused pulled up your T-shirt and you felt that he was touching your breast, kissed your lips, kissed your vagina and forced his penis to your vagina, what did you do?

A I moved my body in resistance but I could not free myself because he was big.

x x x x x x x x x

Q Since you were not able to move your body to resist the acts committed by the accused, how about your hands?

A My arms were spread.

Q When your arms were spread, what did the accused do?

A While my hands were spread, his hands were also clutching my hands.

Q Since you were not able to move in resisting the acts committed by the accused, was the accused successful in inserting his penis to your vagina?

A Yes, ma'm.

Q Aside from moving your body which you claim you were not successful since the accused was on top of you and he is big and you cannot also move your hands since he was holding your hands, how about your mouth, were you able to shout?

A No ma'm.
 Q Why?
 A Because of fear.
 Q Since the accused succeeded in his beastly desire in committing the crime of rape, what did he say if any after he successfully inserted his penis to your vagina?
 A He said quote, "don't ever report this matter to anyone because if you will, I am going to kill you."
 Q At the time that you were raped, what were you wearing?
 A T-shirt on top of a skirt.
 Q Were you wearing panty at that time?
 A Yes.
 Q So, what did the accused do to your panty and to your skirt since you stated earlier that the accused touched your body, kissed your lips, touched your vagina, kissed your vagina, inserted his organ to your organ?
 A He removed them.^[12]

Despite being subjected to grueling cross,^[13] re-direct,^[14] and re-cross examination,^[15] private complainant remained resolute and unflinching in her account about what accused-appellant did to her. On review, the Court finds that her testimony bears the hallmarks of truth. It is consistent in all material points. The rule is that when a victim's testimony is straightforward, candid, unshaken by rigid cross-examination and unflawed by inconsistencies or contradictions in its material points, the same must be given full faith and credit.^[16]

Established is the rule that testimonies of rape victims, especially child victims, are given full weight and credit.^[17] It bears emphasis that the victim was barely thirteen when she was raped. In a litany of cases, this Court has applied the well-settled rule that when a woman, more so if she is a minor, says she has been raped, she says, in effect, all that is necessary to prove that rape was committed.^[18] Youth and immaturity are generally badges of truth.^[19] Courts usually give greater weight to the testimony of a girl who is a victim of sexual assault, especially a minor, particularly in cases of incestuous rape, because no woman would be willing to undergo a public trial and put up with the shame, humiliation and dishonor of exposing her own degradation were it not to condemn an injustice and to have the offender apprehended and punished.^[20]

The embarrassment and stigma of 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 by the private complainant.^[21] Indeed, it would be most unnatural for a young and immature girl to fabricate a story of rape by her uncle; allow a medical examination of her genitalia, subject herself to a public trial and expose herself to public ridicule at the instigation of her father all because her father wanted to exact revenge against accused-appellant and his wife for allegedly causing the estrangement of the victim's father and mother.^[22]
 Verily -