

SECOND DIVISION

[G.R. No. 190178, February 12, 2014]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
FELIMON PATENTES Y ZAMORA, ACCUSED-APELLANT.**

DECISION

PEREZ, J.:

The peculiar nature of rape is that conviction or acquittal depends almost entirely upon the word of the private complainant because it is essentially committed in relative isolation or even in secrecy, and it is usually only the victim who can testify of the unconsented coitus. Thus, the long standing rule is that when an alleged victim of rape says she was violated, she says in effect all that is necessary to show that rape has indeed been committed. Since the participants are usually the only witnesses in crimes of this nature and the accused's conviction or acquittal virtually depends on the private complainant's testimony, it must be received with utmost caution. It is then incumbent upon the trial court to be very scrupulous in ascertaining the credibility of the victim's testimony. Judges must free themselves of the natural tendency to be overprotective of every woman claiming to have been sexually abused and demanding punishment for the abuser. While they ought to be cognizant of the anguish and humiliation the rape victim goes through as she demands justice, judges should equally bear in mind that their responsibility is to render justice according to law.^[1]

Before Us is an appeal from the Decision^[2] of the Court of Appeals affirming with modification the Decision^[3] of the Regional Trial Court, finding appellant guilty beyond reasonable doubt of the crime of Forcible Abduction with Rape and sentencing him to suffer the penalty of *reclusion perpetua*.

The present case involves eight (8) sets of Information for Forcible Abduction with Rape filed by private complainant ("AAA") against appellant, Felimon Patentes.

The Prosecution's Case

On 5 December 1998, at about 11:00 a.m., AAA boarded a bus for Bansalan, Davao City, to visit and bring medicines to her sick grandmother. While seated at the rear portion of the bus, appellant suddenly sat next to her. It was the second time AAA met appellant; the first time was on 4 December 1998, when appellant persistently courted her. She only knew appellant as he was a friend of her brother.

After a brief conversation, appellant suddenly showed her his bolo, covered by a red scabbard tucked in his right side while he held a red steel pipe with Arabic markings, which he used to threaten to kill AAA should AAA disobey him. Appellant then accompanied AAA to her grandmother's place and returned to Davao City proper by bus. As they walked around, appellant placed his right hand on AAA's shoulder.

Appellant also held AAA's right hand, which covers her mouth with a handkerchief.

Upon reaching Davao City, they rode a *jeepney* to Sasa and alighted at a nearby convenience store. Upon arrival, a man gave something to appellant, which he immediately placed inside his pocket. Appellant then brought AAA to his house in Hacienda Heights, Davao City, where his parents, sister, brother-in-law, nephews and nieces live.

Upon entering the house, appellant dragged AAA to a room upstairs and tied her to a sewing machine. Appellant then started to smoke something, which he also forced AAA to inhale, causing AAA to feel light, weak and dizzy. This prevented AAA from fighting back as appellant removed AAA's clothes. Doffed of his own clothes, appellant mounted her and inserted his penis into her vagina.

The following day, 6 December 1998, appellant again forced AAA to inhale the smoke from his cigarette, causing her to feel weak and dizzy as appellant had carnal knowledge of AAA.

On 7 December 1998, appellant again had carnal knowledge of AAA using threats, force and intimidation, causing bruises on AAA's arms.

On 8 December 1998, while appellant was sleeping beside AAA, AAA slowly got up to escape. However, AAA's attempt, while feeble, woke up appellant. Appellant then punched her in the stomach, causing AAA to lose consciousness. When AAA gained a little strength, appellant again mauled her and raped her again.

On 9 December 1998, after AAA took a bath, appellant raped AAA while pointing a bolo to her neck.

On 10, 11 and 12 December 1998, appellant raped AAA while threatening her with bodily harm. He also threatened to kill her family, in case she tells anyone of her ordeal.

On 13 December 1998, to free herself from her predicament, AAA convinced appellant that she will marry him. Appellant agreed. Appellant's mother accompanied AAA to the latter's house to discuss the marital plans with AAA's family. Surprised by the marital plans, AAA's mother asked for a private moment with AAA. In their conversation, AAA confessed how appellant forcibly took her to his house on 5 December 1998 and raped her for more than a week. AAA's mother then accompanied AAA to report her ordeal to the police, where AAA was examined by a doctor, Dr. Samuel Cruz, the City Health Officer of Davao City.

Dr. Cruz testified that he examined AAA. In his report, he noted the following observations about AAA: (1) contusion on the breast caused by a kiss mark; (2) hymen was intact and can readily admit a normal-sized erect male penis without sustaining any injury; and (3) vaginal canal was negative for spermatozoa. Dr. Cruz also added that he cannot tell whether it was AAA's first sexual intercourse as the vagina was not injured but had healed lacerations.

The Accused-Appellant's Defense

On 5 December 1998, pursuant to their previous agreement, appellant accompanied

AAA to Bansalan to visit and bring medicines to AAA's grandmother. After going around Davao City, they went to his house at about 7:00 p.m. Appellant then offered to bring AAA to her house but the latter refused, insisting that she wanted to live with appellant because she was fed up with her mother, who often called her "*buntog*" or prostitute.

AAA stayed in appellant's house together with the latter's parents, sister, brother-in-law, nephews and nieces. AAA slept in the same room with appellant and had consented sexual intercourse. Throughout AAA's stay, she was free to roam around the house and even helped in the household chores. Pursuant to their marital plans, AAA's grandfather went to appellant's house on 7 December 1998. As a result, they agreed to set the wedding date on 27 May 1999. Appellant's mother also went to AAA's house to discuss the marital plans on 14 December 1998. However, AAA's mother rejected the marriage proposal because of appellant's social standing.

Leonora Gerondio (Gerondio), appellant's neighbor, testified that she first met AAA in appellant's house on 5 December 1998. The following day, Gerondio again saw AAA when she went to appellant's house. Appellant told her that he will marry AAA. Since then, Gerondio saw AAA everyday from 7 to 11 December 1998, cleaning the surroundings, doing the laundry, and walking around the vicinity. AAA even visited her house and talked about AAA and appellant's marital plans. In her observation, AAA and appellant acted like a couple. Gerondio also accompanied appellant's mother to AAA's house to discuss AAA and appellant's marital plans. However, AAA's mother rejected the marriage proposal.

Wilma Enriquez (Enriquez), a common friend of AAA and appellant, testified that between 5 to 12 December 1998, she went twice to appellant's house upon AAA's invitation to talk about the couple's marital plans.

During trial, the prosecution presented the following witnesses: (1) AAA, private complainant herself; (2) Dr. Samuel Cruz; (3) PO1 Lennie Ronquillo; (4) private complainant's mother; and (5) Julie Dayaday.

On the other hand, the defense presented: (1) Felimon Patentes, accused-appellant himself; (2) Leonora Gerondio; (3) Wilma Enriquez; and (4) Francisca Patentes.

After trial, the lower court found appellant guilty beyond reasonable doubt of one (1) count of Forcible Abduction with Rape and seven (7) counts of Rape. The dispositive portion of the Decision reads:

WHEREFORE, the prosecution having proven the guilt of the accused beyond reasonable doubt, Felimon Patentes a.k.a. Arnold Patentes is hereby sentenced as follows:

1. Criminal Case No. 42,786-99 - Reclusion Perpetua
2. Criminal Case No. 42,787-99 - Reclusion Perpetua
3. Criminal Case No. 42,788-99 - Reclusion Perpetua
4. Criminal Case No. 42,789-99 - Reclusion Perpetua

5. Criminal Case No. 42,790-99 - Reclusion Perpetua
6. Criminal Case No. 42,791-99 - Reclusion Perpetua
7. Criminal Case No. 42,792-99 - Reclusion Perpetua
8. Criminal Case No. 42,793-99 - Reclusion Perpetua

The accused shall indemnify AAA Thirty Thousand Pesos (P30,000.00) in each of the eight cases for a total of Two Hundred Forty Thousand Pesos (P240,000.00).

SO ORDERED.^[4]

Aggrieved, appellant elevated the case to the Court of Appeals. The appellate court affirmed the decision of the trial court with modification. The dispositive portion of the Decision reads:

WHEREFORE, the assailed decision is AFFIRMED as to the conviction of appellant FELIMON PATENTES for one (1) count of Forcible Abduction with Rape and seven (7) counts of eight (8) counts of Rape and as to the imposition upon him of the penalty of *reclusion perpetua* for each of the eight (8) offenses. His civil liability, however, is hereby MODIFIED as follows:

Appellant FELIMON PATENTES is hereby directed to pay the following amounts:

1. P50,000.00 each as civil indemnity for one (1) count of Forcible Abduction with Rape and seven (7) counts of Rape or a total of P400,000.00;
2. P75,000.00 each as moral damages for one (1) count of Forcible Abduction with Rape and seven (7) counts of Rape or a total of P600,000.00; and
3. P25,000.00 each as temperate damages for one (1) count of Forcible Abduction with Rape and seven (7) counts of Rape or a total of P200,000.00.

SO ORDERED.^[5]

The appellate court affirmed the findings of the trial court on the matter of credibility of the witnesses for the prosecution. According to the appellate court, "AAA's account of her ordeal in the hands of appellant was straightforward, firm, candid and consistent. Notwithstanding the rigid, lengthy and rigorous cross-examination by the defense, AAA remained steadfast in her narration of the details of her harrowing experience. A thorough reading of the transcript shows that AAA's testimony bears the earmarks of truth and credibility."^[6]

Hence, this appeal.

The elements necessary to sustain a conviction for rape are: (1) the accused had carnal knowledge of the victim; and (2) said act was accomplished (a) through the use of force or intimidation, or (b) when the victim is deprived of reason or otherwise unconscious, or (c) when the victim is under 12 years of age or is demented.^[7] In the case at bar, appellant never denied having carnal knowledge of AAA. The only matter, thus, to be resolved by this Court is whether appellant had carnal knowledge of AAA against her will using threats, force or intimidation, or that AAA was deprived of reason or otherwise unconscious, or was under 12 years of age or is demented.

Appellant argues that if AAA really was raped for more than an entire week, it is perplexing why she did not escape, or even seek the help of the neighbors despite several opportunities to do so.^[8] Appellant further alleges that AAA's failure to escape and her helping in the household chores in appellant's house prove that she was not raped and that they had consensual sexual intercourse.^[9]

About this position, the appellate court noted and reasoned that, "appellant threatened AAA with harm in the event that she told anyone of what happened between them. The lingering fear instilled upon AAA is understandable considering that appellant was always armed with a bolo and was constantly showing it to AAA. The possibility of him making good his threat was not at all remote and the fear for her life remained palpable."^[10]

Behavioral psychology teaches us that people react to similar situations dissimilarly. There is no standard form of behavior when one is confronted by a shocking incident as the workings of the human mind when placed under emotional stress are unpredictable.^[11] Nevertheless, the Court must be guided by established principles.

In reviewing rape cases, the Court is guided by the following principles: (1) to accuse a man of rape is easy, but to disprove the accusation is difficult, though the accused may be innocent; (2) inasmuch as only two persons are usually involved in the crime of rape, the testimony of the complainant should be scrutinized with great caution; and (3) the evidence for the prosecution must stand or fall on its own merit and should not be allowed to draw strength from the weakness of the evidence for the defense.^[12] So long as the private complainant's testimony meets the test of credibility, the accused may be convicted on the basis thereof.^[13]

Following these legal precepts, AAA's testimony, placed side by side with the prosecution's evidence, must stand the test of credibility.

1. Absence of external signs or physical injuries does not negate the commission of rape since proof of injuries is not an essential element of the crime.^[14] And, it is also a precept that physical evidence is of the highest order and speaks more eloquently than all witnesses put together.^[15] In the case at bar, the prosecution failed to present any scintilla of proof to support its claim. In fact, contrary to the prosecution's claim that AAA was dragged, tied, mauled, slapped and boxed, the medical certificate revealed no telltale sign of the prosecution's allegations. It has to be noted that the medical examination was conducted the day after AAA's supposed