

SECOND DIVISION

[G.R. No. 175782, August 24, 2007]

**THE PEOPLE OF THE PHILIPPINES, APPELLEE, VS. DOMINGO
HAPIN Y JAZO, APPELLANT.**

D E C I S I O N

TINGA, J.:

On automatic review is the Decision^[1] promulgated by the Court of Appeals, affirming the Regional Trial Court's (RTC) judgment^[2] in Criminal Case No. 2002-5649 finding Domingo Hapin y Jazo (appellant) guilty of rape.

Appellant was charged with the crime of rape in an Information which reads:

That on the 13th day of April 2002, at more or less 8:00 o'clock in the evening at [XXX],^[3] Philippines and within the jurisdiction of this Honorable Court, the above-named accused motivated with lust by means of force and intimidation while armed with a bladed weapon did then and there willfully, unlawfully, and feloniously had carnal knowledge of one [AAA],^[4] 28 years of age, against her will and without her consent, to her damage and prejudice.

That the victim was a passenger of the tricycle then driven by the accused at the time the crime was committed in an isolated area of the Maharlika Highway.

CONTRARY TO LAW.^[5]

On arraignment, appellant entered a plea of not guilty. During trial, the prosecution presented four (4) witnesses, namely: the victim, AAA, her mother, BBB,^[6] PO2 Edward Hebres (PO2 Hebres) and the medico-legal expert, Dr. Andrew de Castro (Dr. de Castro), who testified on the following antecedent facts.

On 13 April 2002, AAA, who worked as a Sales Supervisor at a Robertson Department Store, was walking towards the "*himpilan*" to catch a ride home when appellant offered to bring her home on his tricycle. Being neighbors and distant relatives, she rode on appellant's tricycle. On their way home, they were engaged in a conversation wherein appellant warned AAA not to ride on a tricycle whose driver was not known to her. He recalled a rape incident that transpired in another town.^[7]

Upon reaching their town, there was a heavy downpour. Suddenly, appellant stopped the tricycle on the right shoulder of the road, switched off the headlights and told AAA that there was an engine defect. Thereafter, appellant alighted from his seat and went inside the sidecar where AAA was seated. He sat on AAA's knees,

immediately hugged her and demanded she submit to his carnal desire. AAA struggled but she saw appellant holding a bladed instrument. Appellant then started kissing her and forcibly removed her clothes, including her underwear. Appellant removed the backseat of the tricycle and made AAA lie down on her back and succeeded in having sexual intercourse with her. During her ordeal, AAA struggled but she was overpowered by appellant. After consummating the sexual act, appellant assisted in putting her clothes back and brought her up to the gate of her house.^[8]

Upon reaching the house, AAA was met by her parents. BBB narrated that when AAA arrived, she was crying, her hair was in disarray and she was holding her skirt closed. She told her parents that she was raped by appellant.^[9] Enraged, AAA's father contacted the police while BBB, accompanied by some *barangay tanod*, proceeded to the police station in the town to report the incident.^[10] AAA, meanwhile, was brought to the Provincial Hospital by her brother-in-law. Dr. de Castro conducted the medical examination on AAA and made the following findings:

- Erythema (L) Breast

- Erythema labia majore with multiple old laceration

- (+) for smear for spermatozoa^[11]

During the direct examination, Dr. de Castro explained that AAA sustained redness on her left breast and her genitals which could have been caused by trauma, meaning there was force employed. These findings, according to Dr. de Castro, could be consistent with the claim of AAA that she was raped.^[12]

AAA then met with her parents at the police station where the details of the alleged rape were entered in the police blotter.^[13] The police blotter book containing Entry No. 82^[14] was brought to the court by PO2 Hebres.

For his part, appellant denied having raped AAA. He contended that he and AAA were having a relationship;^[15] that in the afternoon of 13 April 2002, AAA boarded his tricycle;^[16] that on their way home between the boundary of Tughan and Casiguran, AAA asked him to stop the tricycle^[17] and they had sex inside the tricycle;^[18] that thereafter, appellant brought AAA home;^[19] that around 10:00 p.m., he was apprehended by policemen and brought to the police station;^[20] and that AAA filed a criminal complaint against him to preserve her reputation because she was worried that somebody might recognize her when the tricycle was parked in the boundary of Casiguran.^[21]

Appellant's brother and sister, Estela and Niño Hapin, corroborated his defense that he and AAA were lovers. Both testified that AAA often visited appellant at home and that the two usually rode in the tricycle together. They also claimed that the two would frequently take a bath together.^[22]

On 14 October 2003, the trial court rendered a Decision finding appellant guilty of the crime charged, thus:

WHEREFORE, premises considered, the Court finds the accused Domingo Hapin y Jazo guilty beyond reasonable doubt of the crime of Rape, defined and penalized under Article 335 of the Revised Penal Code and hereby sentences him to suffer the penalty of *Reclusion Perpetua* and to pay the private offended party, the sum of Fifty Thousand (P50,000.00) Pesos, as indemnity *ex delicto* and the further sum of Fifty Thousand (P50,000.00) Pesos, as moral damages, without subsidiary imprisonment in case of insolvency and to pay the costs.

SO ORDERED.^[23]

In finding appellant guilty, the trial court relied heavily on the testimony of the complainant while discarding the defense raised by appellant. Moreover, the trial court emphasized the fact that AAA and her parents had immediately reported the incident to the police authorities.

This case was originally elevated before this Court on automatic review in view of the penalty imposed on appellant. However, in line with our ruling in *People v. Mateo*,^[24] the case was referred to the Court of Appeals.

On 24 August 2006, the appellate court rendered the assailed decision affirming appellant's conviction with modification in that exemplary damages in the amount of P25,000.00 was additionally awarded.^[25] Hence, the present appeal.

In a Resolution dated 28 February 2007, the Court required the parties to simultaneously file their respective supplemental briefs.^[26] Both parties however manifested that they are adopting their respective briefs filed before the Court of Appeals.^[27]

In his Brief,^[28] appellant maintains that the prosecution failed to prove his guilt beyond reasonable doubt. He underscores the supposed confusing and conflicting statements of AAA.^[29] On the other hand, the Office of the Solicitor General argues that AAA's testimony being positive, consistent, and categorical deserves full faith and credence.^[30] The arguments and counter-arguments essentially pertain to AAA's credibility.

It is doctrinal that factual findings of the trial court which are supported by evidence, especially on the credibility of the rape victim, are accorded great weight and respect and will not be disturbed on appeal.^[31]

The trial court convicted appellant on the basis of AAA's testimony which it found to be "categorical, spontaneous, candid and straightforward."^[32] Furthermore, the Court of Appeals observed that AAA's deportment after the alleged rape, as well as during trial, bolstered her credibility, to wit:

Certainly, a victim of rape would not come out in the open if her motive were anything other than to obtain justice. Her testimony as to who abused her is credible where she has absolutely no motive to incriminate or testify against the accused. We are thus convinced that when [AAA] cried rape, allowed her private parts to be examined, and exposed herself

to the ordeal of narrating in court all the sordid details of her traumatic experience, she had nothing in mind but to seek justice for the sexual transgression perpetrated upon her. Noteworthy also is the fact that Gina broke down as soon as she saw her mother when she was brought home by appellant. She forthwith related to her parents her ordeal and lost no time in submitting herself to a medical examination and pursuing the criminal complaint against him. It has been held that the conduct of a woman immediately following the alleged assault is of utmost importance as it tends to establish the truth or falsity of her claim.^[33]

After a careful scrutiny of the evidence on record, we find no cogent reason to depart from the findings of the lower courts.

For conviction to be had in the crime of rape, the following elements must be proven beyond reasonable doubt: (1) that the accused had carnal knowledge of the victim; and (2) that 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 twelve years of age, or is demented.^[34]

When a victim says that she has been raped, she says in effect all that is necessary to show that rape has been committed, and if her testimony meets the test of credibility, the accused may be convicted on the basis thereof.^[35]

AAA recounted her harrowing experience as she testified that appellant had carnal knowledge of her through the employment of force, as follows:

Q: What did he do when he was already inside the side car?

A: He hugged me he said that I should give it to him.

Q: Where were you seated then, [M]adam witness?

A: I was inside the side car of the tricycle.

Q: How did you react to that action of the accused Domingo Hapin? When he went inside the side car of the tricycle?

A: When he hugged me, I tried to struggle so that I could come *[sic]* out from the side car of the tricycle but I was about to hold his hand, I felt that he was holding a bladed instrument.

Q: Were you wounded?

A: No, [M]adam[,] because I concentrated all my strength by holding his hand holding *[sic]* the bladed instrument.

Q: What was it that he said that you should give him?

A: According to him, I should give him that thing because he has not yet tasted it.

Q: How did the accused hug you, [M]adam witness?

A: He seated himself on my knees so that I could not come out of the side car of the tricycle considering that it was just a small space there and kissed me all over my face while he was hugging me and holding my hair. ([W]itness demon[s]trated by pulling her hair backward)

Q: What else happened after he kissed you on your face?

A: There was a jeepney that passed by[.] I was about to ask help from the people of the jeepney that passed by but he told me if I shout anything he will kill me.

Q: Was it already heavily raining when the accused was already inside the car?

A: The rain was already getting heavier.

Q: And, did you shout for help?

A: I was not able to shout because he told me that if I shouted, he will kill me.

Q: While the accused was seated on your knees and he was pulling your hair, what did you do?

A: **What I did was to hold his hand holding the bladed instrument and using my left hand to remove his hand from my hair and I was pushing him.**

Q: Then what else did he do?

A: He forcibly remove[d] my skirt and shirt and my underwear too.

Q: What were you wearing then?

A: I was wearing [a] skirt, then.

Q: And what was your upper garment?

A: Blouse.

Q: Is that the uniform of the Robertson Dept. Store?

A: Yes, [M]adam.

Q: When you were seated[,] up to what part of your thigh did your skirt reach?

A: The skirt is knee length but when I am seated, it reached my thigh 4 inches above my knees and whenever I ride on any vehicle, I usually put my hand bag on my lap. ([W]itness demonstrated by placing her handbag on her lap)

Q: Now, during that time when you were already struggling with the accused and he was seated on your lap, what happened to your skirt?

A: At first, he raised my skirt but he could not do so, so what he did was to place his hand at the back of my waist line to remove the zipper of my skirt and he was able to pull it down.

Q: You said that he also removed your undergarment, how did he remove it?

A: He removed my other undergarments by doing like this ([W]itness demonstrated by as if clawing her waist downwards)[,] because at that time he could not use his other hand holding the knife because I was also holding it.

Q: And, what did you do while the accused was taking off your skirt and