

SECOND DIVISION

[G.R. No. 131812, August 22, 2002]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
MANUEL YLANAN, ACCUSED-APPELLANT.**

D E C I S I O N

QUISUMBING, J.:

On appeal is the decision^[1] dated April 15, 1997, of the Regional Trial Court of Cebu City, Branch 14, in Criminal Case No. CBU-41810, finding accused-appellant Manuel Ylanan guilty of rape and sentencing him to reclusion perpetua.

On August 14, 1996, a complaint was filed by Rosemarie Monopolio^[2] accusing appellant of rape. The complaint reads:

That on or about the 13th day of August, 1996, at about 3:00 A.M., more or less, in the City of Cebu, Philippines, and within the jurisdiction of this Honorable Court, the said accused, entered the room of the undersigned, and by means of force and intimidation, willfully, unlawfully and feloniously did lie and succeeded in having carnal knowledge of said Rosemarie Monopolio.

CONTRARY TO LAW.^[3]

On arraignment, assisted by counsel, appellant pleaded not guilty.

During trial, the prosecution presented complaining witness ROSEMARIE MONOPOLIO, a 15-year-old maiden from Zamboanga. She testified that she had worked for about a week as an all-around helper in the kitchenette of appellant Manuel Ylanan located at Mabolo Street, Cebu City. On August 13, 1996, at around 3:00 A.M., she said she was raped by appellant. While in the makeshift room in the kitchenette where she and her sister slept, according to her, she was awakened when appellant entered the room and clamped his hand on her mouth, then placed a pillow against her face. She slapped appellant and pleaded for him to stop his advances. However, appellant persisted and succeeded to mount her from behind. He locked her arms and neck in a "full nelson hold," rendering her immobile and unable to resist. While mounting her, appellant threatened to kill her. He then inserted his penis inside her vagina. Rosemarie reported the rape to her aunt Leticia Agustin,^[4] who came to the kitchenette that morning. This was around 9:00 A.M. Together, they reported the incident to the *barangay* and to the Mabolo police station. Rosemarie was then brought to the Cebu City Hospital where she was medically examined.^[5]

Dr. ESTERLITA FIEL, resident physician of Cebu City Medical Center, testified that she examined Rosemarie Monopolio on August 13, 1996 at around 10:30 A.M. and found fresh lacerations on her hymen at 2:00 o'clock and 10:00 o'clock positions.

She opined that these lacerations could have been caused by sexual intercourse, bicycle riding, ballet dancing, horseback riding, and masturbation.^[6]

SPO1 ELBERT FLORES, SR. testified that he was assigned at Precinct No. 4 of Mabolo, Cebu City. He stated that he was one of those who invited appellant to their station for investigation.^[7]

LETICIA AGUSTIN, Rosemarie's maternal aunt, testified that she accompanied Rosemarie to the *barangay* and the police station, as well as to the hospital after Rosemarie told her that Manuel raped her. She also testified that Manuel and Rosemarie were sweethearts, and that she did not understand the affidavit she signed at the police station.^[8]

The first defense witness was appellant MANUEL YLANAN. He admitted having copulated with private complainant, but denied raping her. For according to him, she consented to the sexual intercourse on August 13, 1996. He alleged that he was a widower and that he was attracted to Rosemarie and courted her. He even had plans of marrying Rosemarie.^[9]

A son of Manuel, MANOLINE CINCO FLORES, 10 years old, was also presented as witness for the defense. He testified that Rosemarie was introduced to him and his siblings by their father as their new mother. He also alleged that Rosemarie even took them out to a mall to win their affection. He said Rosemarie slept on the same bed with Manuel in the kitchenette.^[10]

On February 13, 1997, the prosecution presented JULIE FE MONOPOLIO as rebuttal witness. She denied that her sister Rosemarie and appellant Manuel were lovers. She claimed they were not close to their aunt Leticia.

After Julie's testimony, the court required that Rosemarie be placed again on the witness stand, to the consternation and objection of the prosecution. She reiterated her testimony that she was raped by appellant. She denied that they were lovers.^[11]

AVELINA BOHOL was presented by the defense as sur-rebuttal witness. She testified that she was a housekeeper/helper of Manuel Ylanan. According to her, Rosemarie and Manuel were sweethearts as she would see Manuel kiss Rosemarie and the latter would not resist.^[12]

The last witness presented was BERNARDITA FAMUDULAN of the Institute of Religion and Culture (IRC) in Cebu City. She was identified as the custodian or guardian of Rosemarie. She testified that she works for the IRC as a seminar house staff. According to her, the IRC is a religious organization that aids abused victims. She testified that Rosemarie and her family were under IRC's custody while her case was pending trial. Aside from IRC, LIHOK FILIPINA also helped Rosemarie.^[13]

On April 15, 1997, the trial court rendered its assailed decision disposing as follows:

WHEREFORE, premises considered, the Court hereby finds the accused Manuel Ylanan guilty beyond reasonable doubt as principal of the rape and violation of the complainant Rosemarie Miaga Monopolio that evening of August 13, 1996 at Mabolo District in this city. He is hereby sentenced to RECLUSION PERPETUA and to indemnify the complainant in the

amount of One Hundred Thousand Pesos (P100,000.00) in concept of moral and exemplary damages.

The costs of these proceedings shall also be taxed against the accused.

SO ORDERED.^[14]

In this appeal, appellant alleges that the trial court erred,

I. ... IN GIVING CREDENCE TO THE TESTIMONY OF THE PRIVATE COMPLAINANT.

II. ... IN NOT GIVING THE TESTIMONY OF THE CHILD WITNESS FOR THE DEFENSE EVIDENTIARY WEIGHT.^[15]

Essentially, the issue is one of witnesses' credibility.

Appellant contends that the testimony of Rosemarie does not deserve credence. For one, appellant points out that Rosemarie did not even attempt to shout to get the attention of her sister who was sleeping nearby, although there were opportunities for her to do so. He casts doubts on her allegations, that (1) she slapped him despite her arms being locked by him; (2) she watched him rest and put on his clothes right after the alleged rape, which is not a normal response of a woman who had just been raped; and, (3) appellant was able to enter her from behind. He says this was incredible since it would be difficult for a man to enter a woman from behind, sexually, without her cooperation and consent.

Appellant also assails the trial court's failure to appreciate the testimonies of the following witnesses: (1) Leticia, Rosemarie's own aunt who testified that Rosemarie and appellant were sweethearts; (2) Dr. Fiel, the doctor who said that there were no hematomas on any part of Rosemarie's body, indicating that there was no force inflicted upon her; and, (3) Manoline, a young and naïve witness, whose testimony in court deserves full credence.^[16]

The Office of the Solicitor General (OSG), for the appellee, argues that the trial court did not commit any error in giving credence to the testimony of the prosecution witnesses. The OSG avers that the seemingly unnatural response of Rosemarie after the rape should not affect her credibility as there is no standard set of behavior when one is confronted by a startling experience. It also emphasizes that the absence of any hematoma or any external sign of injury does not necessarily negate rape. It dismisses appellant's contention that Rosemarie and he were sweethearts and even if they were indeed sweethearts, this does not necessarily mean appellant did not rape her. There are such things as marital and date rapes. Finally, the OSG argues that penetration from behind was not sexually impossible.^[17]

Time and again, the Court has consistently followed three guiding principles in reviewing rape cases: (1) an accusation of rape can be made with facility and while the accusation is difficult to prove, it is even more difficult for the person accused, although innocent, to disprove; (2) considering the intrinsic nature of the crime, only two persons being usually involved, 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 cannot be allowed to draw strength from the weakness of the evidence for the defense.^[18] These are the guidelines that we utilized, and we are convinced that the present appeal has no merit.

On the issue concerning the credibility of witnesses, we have also consistently ruled that it is best left to the trial courts' determination since, more often than not, they are in the unique position to physically observe closely the witnesses while testifying, an opportunity denied the appellate courts which usually rely on the cold pages of the mute records of the case.^[19] In this case, after observing the complainant, the appellant, and their respective witnesses as to their demeanor, gestures, their voices and their conduct on the witness stand, the trial judge arrived at a favorable assessment of Rosemarie's testimony. Judge Renato Dacudao found her version of the incident to be more credible than that of the appellant. On review, we find nothing on record to show that the trial judge overlooked, misunderstood or misappreciated certain facts and circumstances, which if considered would have altered the outcome of the case. We find that the trial court's ruling on the issue of credibility worth savoring:

The cold and barren words of the pertinent stenographic records, heretofore quoted, can hardly present in faithful and genuine perspective, the pain, suffering and anguish that were written over the face and form of complainant as she related on the witness box, at times in halting tones that reek with pathos and anger, the heart-rendering story of her ravishment and despoliation by the accused that evening of August 13, 1996. Indeed, as the poet says, they breathe truth who breathe their words in pain. For throughout her testimony the complainant was sobbing and wailing in pain (which, in the perception of the Court could not have been a sham or made-up act) when she narrated how the accused that evening in question, with his ungovernable libido, tiptoed into her makeshift bed, pushed her face down on the bed with his powerful hands, and when she slapped him, threatened to kill her and told her to shut up, then clamped his hand on her mouth; and then proceeded to lock his arms around her neck totally immobilizing her, and rendering her hors de combat; after which he pushed down with his feet and legs her shorts and panties, and then proceeded to penetrate her from behind with his male member.

It is of course true that the accused's system is not exactly the normal way to copulate with a girl, even in a rape. But then truth is sometimes stranger than fiction, just as there is method even in madness. And, in the case at bench, the Court wishes to point this out, indeed the Court must will out with this, that the accused herein was literally smirking and smacking, with more than a dash of mischief in his eyes, as he sought to regale and tantalize the Court (and the people at the gallery, too) with his unusual sexual exhibition, evidently relishing and savoring every bit and morsel of his perverted and twisted machismo. (Rollo, pp. 133-134).

Appellant's main defense is the trite "sweetheart theory". In *People vs. Domended*,^[20] we said that:

"...we cannot imagine that a countrified lass, barely in her teens, will have the courage to engage in sexual intercourse with her middle-aged employer a week after commencing with her employment."

Similarities of this case to *Domended* are striking. First, both complainants were 15-year-old girls who hailed from a distant rural area. They went to the city, wanting to try their luck and earn a living. Second, complainants were ravished by their middle-