

THIRD DIVISION

[G.R. Nos. 140934-35, October 23, 2001]

**PEOPLE OF THE PHILIPPINES, APPELLEE, VS. CONDE RAPISORA
Y ESTRADA, APPELLANT.**

DECISION

PANGANIBAN, J.:

In a rape case, the credibility of the victim and her testimony is often the most important issue. The present case is no exception.

The Case

Before the Court is the appeal of Conde Rapisora y Estrada, challenging the November 10, 1999 Decision^[1] of the Regional Trial Court (RTC) of Manila, Branch 41. The decretal portion of the judgment reads as follows:

"WHEREFORE, judgment is hereby rendered finding the accused guilty beyond reasonable doubt of the crime of rape (two counts) and sentencing him to suffer the penalty of reclusion perpetua and to pay the amount of one hundred thousand pesos (P100,000.00) per count or a total of TWO HUNDRED THOUSAND PESOS (P200,000.00) for damages."

^[2]

On October 24, 1997, two (2) Informations^[3] (Criminal Case Nos. 98162199-200), were filed against appellant as follows:

Criminal Case No. 98-162199

"That on or about June 16, 1997, in the City of Manila, Philippines, the said accused, did then and there wilfully, unlawfully and feloniously, by means of force and intimidation, to wit: by then and there introducing himself as an uncle to one GRACE SAMSON Y DIOSANTA who was then on an errand and waiting for a ride along Avenida, this city, suddenly pulling and dragging the latter into a taxi, poking a bladed weapon at her[,] bringing her to a motel and once inside the motel room, x x x forcibly undressing her while slapping her twice when the latter refused to be undressed and threatening to kill her then pushing her onto the bed covering her mouth, preventing her from shouting for help and lying atop her, succeeded in having carnal knowledge [of] said Grace Samson y Diosanta for the first time against her will and consent."^[4]

Criminal Case No. 98-162200

"That on or about June 16, 1997, in the City of Manila, Philippines, the said accused, did then and [there] wilfully, unlawfully and feloniously, by means of force and intimidation, to wit: by then and there introducing himself as an uncle to one GRACE SAMSON Y DIOSANTA who was then on an errand and waiting for a ride along Avenida, this city, suddenly pulling and dragging her to a motel and once inside the motel room, x x x forcibly undress[ing] her while slapping her twice when the latter refused to be undressed and threatening to kill her then pushing her onto the bed covering her mouth, preventing her from shouting for help, and [after] the first rape, [lying] down beside her on the bed kissing her breast [--] succeeded in having carnal knowledge [of] the said Grace Samson y Diosanta for the second time against her will and consent."^[5]

When arraigned on both charges on January 26, 1998, appellant, with the assistance of a *counsel de oficio*,^[6] pleaded not guilty.^[7] After due trial, the RTC promulgated the assailed Decision.

The Facts

Prosecution's Version

In its Brief,^[8] the Office of the Solicitor General summarized the evidence for the prosecution as follows:

"Private complainant, Grace Samson (Grace) [was] a 16-year old housemaid employed by one Rebecca Ang, who was residing at 737 Tomas Mapua Street, Sta. Cruz, Manila where she ha[d] been staying for over four years at the time of the subject incident (TSN, May 26, 1998, pp. 4-5).

"On June 16, 1997, at about 8:00 o'clock in the morning, Grace was on her way to Quiapo[,] Manila to buy vegetable for her employer (Ibid.[,] p.5).

"While at the corner of Recto and Avenida, Manila, waiting for the traffic light to turn green so she could cross the street, appellant suddenly approached Grace and introduced himself as [her] uncle. Grace was surprised since she did not know him. Suddenly, she was forcibly taken by appellant into a waiting taxi, a knife poked at her side (Ibid.[,] pp. 5-7).

"Inside the taxi, accused told her (Grace) that he was bringing her to one Mommy Karen. Instead, Grace was brought to a motel in Sta. Mesa, Manila (p. 8). Upon reaching the place, Grace was made to go up. She was feeling dizzy having been made to smell something by the appellant before they reached the place. When she regained consciousness, appellant forced her to undress. When she refused, appellant undressed her. She fought him but appellant succeeded in raping her. He placed himself on top of her and inserted his penis in her vagina[,] Grace cried

(Ibid[.], pp. 8-12). She was raped four times. When appellant fell asleep, Grace immediately dressed up and silently went out of the room, ran, and boarded a passing jeepney going to Divisoria (Ibid[.], pp. 13-14). When she reached home, Grace fell asleep with blood on her dress. When Grace woke up, she cried and narrated her ordeal to her friend, Rose. At around 8:00 o'clock in the evening of the same day, she told her employer about the incident. Grace was brought to the Jose Reyes Memorial Hospital Manila where she was referred to the National Bureau of Investigation (NBI). The following day she went to the NBI where she was subjected to a physical examination (Ibid[.], pp. 17-18).

"Confused, since she was advised by her employer to just let things off, and since she did not personally know appellant, Grace did not immediately file a complaint. But on August 12, 1997, when she (Grace) saw appellant on TV in connection with another rape complaint, she decided to file a complaint before the police authorities (Ibid[.], p. 23)."

[9]

Version of the Defense

On the other hand, appellant, in his Brief,^[10] gave his version of the incident as follows:

"Testifying in his behalf, [appellant] stated that he [had been] employed as nozzle man of [the] Mandaluyong Fire Station since March, 1995 and he was still in the service on June 16, 1997. On June 2, 1997 he went to Isetann in Sta. Cruz, Manila to buy clothes. As the mall was still closed at the time he arrived, he strolled for sometime x x x until he reached Odeon Cinema which was also along Recto Avenue where Isetann is located. Thereat, he entered a small restaurant to eat and while he was placing his order, he happened to sit with three ladies. As a gesture of courtesy, he invited the three ladies to eat but the ladies replied that they only need cash. When his order arrived he asked them if he could join them in their table and they agreed. As he sat down with the ladies, it did not take long [before] two men arrived and [signaled] two of the ladies upon which the two ladies stood and left x x x telling their other lady companion '[I]kaw na ang bahala diyan, diskarte mo na yan.'

"The lady left behind with the accused was the complaining witness who introduced herself to him, not as Grace but Elaine, after introducing himself first to her as Conde. They had a conversation of sort[s] which included the complaining witness asking the accused if the latter kn[ew] of any job for which the former [could] apply. Accused answered that he [would] try to find one for her. After eating he left behind the complaining witness but gave her his telephone number (532-24-02) upon her request.

"While on duty on June 7, 1997 at about 7:30 o'clock in the evening, his co-worker (SFO1 Ramon Sta. Ana) referred to him a phone call. He picked up the phone and recognized that Elaine (or Grace) was asking

him if they could see each other the following day (June 8, 1997). He agreed to see her, because of her insistence, in front of Odeon Cinema at 10:00 o'clock [o]n the morning of June 8, 1997. They did meet and upon seeing him, she approached him and pleasantly held his hands (Naging malambing po siya). They dined together after which he invited her to stroll around. Instead, she proposed that they [watch] a movie which they did at Odeon Cinema.

"Inside the moviehouse, Elaine asked Conde, among others, if the latter [could] take along the former to his residence after watching the movie. Conde disagreed because he was staying in the quarters of the Mandaluyong Fire Station, and besides, he was doubting her virtue as a lady, having met her not in a formal place and also he doubted the company she [kept]. Also, she complimented him by saying that he [was a] gentle, good-looking [man] with [a] stable job, and that he was unlike others who [did] not care after everything [was] over. Inside they found it irresistible not to kiss each other, and they parted from each other past 1:00 o'clock in the afternoon. She promised to call him.

"On June 15, 1997, Elaine called up Conde at the latter's office, and this time, she used the name Grace, not Elaine, which surprised Conde. She explained that she did not give her real name at the start because of many prankster[s] or deceiver[s] nowadays, but she had to, because she x x x already [knew] his real name and his place of work, so, she had no reason anymore to use an alias x x x. She told him also over the phone that they [would] talk about an important matter, thus she asked him if they could see each other the following day. At first he begged off due to an earlier commitment but eventually agreed to accommodate her.

"As agreed upon, they met on June 16, 1997 in the same place in front of Odeon Cinema at 8:00 o'clock in the morning. He asked her what they [would] talk about, but she told him that they [would] look for a place where they [could] talk alone. Bluntly, he told her that they [check in], and she agreed. Thereupon, he hailed a taxi[,] which the two boarded. He told her on board that they [were] going to Sta. Mesa and she said '[I]t's up to you.' The two boarded the taxi 'in a nice manner' which they flagged down, and that it [was] not true, as testified by Grace, that he forced her to board the taxi at the corner of Recto and Avenida, which is a hub of people at [any time] of the day.

"They drove along Recto Avenue to V. Mapa via Sta. Mesa. Likewise, it is not true, as testified by Grace, that he poked a knife at her on board the taxi, the truth is that 'pagsakay po namin ng taxi nakayapos pa iyong kamay niya sa baywang ko, nakaakbay po ako sa kanya.' Further, contrary to the testimony of Grace, they did not negotiate the way from Recto to V. Mapa thru and thru all the way without stopping [at] the intersection of the road. They 'stopped [at] many stop lights' and were talking with each other along the way, contrary to the testimony of Grace. Conde did not mention any person by the name of Mommy Karen and [he] did not introduce himself to her as Andy Villanueva. He recalled that there were about ten (10) intersections with traffic lights all the way. At one point they stopped in front of 7-Eleven because he bought

cigarettes and softdrinks. Grace was then left inside the taxi while he did the buying.

"From the 7-Eleven store, they proceeded to Sta. Mesa and stopped in front of Filipinas Walk-In Motel immediately along V. Mapa. He alighted first and opened the door of the taxi for her to alight. About two or three minutes, he left behind Grace as he entered the motel and paid at the front desk or counter. Then he came back to her and brought her along inside. He denied that he let her smell something on his towel that made her [feel] dizzy before they alighted from the taxi. Beside Filipinas Walk-In Motel along V. Mapa Street [was] the Metro Bank Building where two guards were posted in front of the building. Also he recalled that along their way from [the] corner [of] Avenida-Recto to V. Mapa, there were policemen at street corners/intersections.

"The room they occupied inside the motel ha[d] no comfort room within the room itself. To take [a] shower or to answer [the] call of nature, one ha[d] to go outside the room where the bathroom [was]. Seated beside each other inside their room, she narrated to him her problem that she needed at least P5,000.00 for her transportation to the province back and forth since he was not able to find a job for her. More[over], she told him that if possible after she shall have returned to Manila from the province she [would] reside in his place. He told her that [s]he [could] not stay with him because he was staying in his office.

"While on bed together, she asked permission to take [a] shower in the bathroom outside. There he noticed that `sa harapan po ng ari niya may konting dugo.' Confronted about it, she said `it's nothing, maybe it's my monthly period.' She stayed about two (2) minutes inside the bathroom and when she returned, the bath towel was wrapped around her body. Then she sat beside him, placed her pants on top of the small table, and [lay] down beside him. He embraced her and she embraced him. He denied having threatened her with a knife before lying down with [her] or while she undressed herself. He had no sexual contact with her because when he inserted his finger in her organ, he felt something sticky and noticed blood on his finger when he withdrew it. They just had romance until he ejaculated because she masturbated his penis. After sleeping for sometime, they woke up and had [a shower], and thereafter they checked out. They went out together and she begged x x x to be accompanied home by him.

"On June 17 at past 8:00 o'clock in the evening, Grace called up by phone Conde who was then on duty. She was asking when [could] he give the money for transportation because she wanted to go to the province. She was told he ha[d] none in the meantime but that he [could] give her one-half if she [could] wait until payday on the 25th. Disappointed, she hung [up] the phone. She never called up again and he could not pay a visit to her because she had not given her actual address. Since then he had not seen her until in the courtroom. Complainant filed the case against him because he was not able to help her find a job, give the money she was asking him, [or] x x x allow her to stay with him.