

## SECOND DIVISION

[ G.R. Nos. 133373-77, September 18, 2000 ]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.  
FAUSTINO CAMPOS @ ENOT, ACCUSED-APPELLANT.**

### D E C I S I O N

**BELLOSILLO, J.:**

FAUSTINO CAMPOS alias *Enot*, 72 years of age, was charged with five (5) counts of rape committed against the minors Ma. Victoria Padillo<sup>[1]</sup> and her younger sister Marjorita Padillo.<sup>[2]</sup>

Marjorita was only nine (9) years old when she was first ravished by Campos on 1 August 1996. At half past noon of that day, while she was passing by the uninhabited house of Linda Campos, the accused Faustino Campos suddenly grabbed her from behind and dragged her towards Linda's house. Once inside, Campos forced Marjorita to lie down. She struggled to free herself but Campos firmly held her down. Then he placed himself on top of her inserted his penis and pumped his penis several times into her vagina. She bled and felt pain. After satisfying his lust, he warned her not to squeal on him or he would kill her.

On 5 October 1996 Campos again sexually assaulted Marjorita. First, he invited her and her cousin Analyn to his house on the pretext that he would give them "*tinapay*." As soon as they entered his house he ushered them to his room and had sexual intercourse with Marjorita in the presence of Analyn. Analyn attempted to get out of the room but was prevented by Campos. After reaching his climax with Marjorita, Campos then stroked the private parts of Analyn.

Two (2) days later, or on 7 October 1996, Campos saw another opportunity to sexually molest Marjorita. Finding her alone in their house cooking rice, Campos approached her, covered her mouth with his hand, dragged her inside a room and raped her. Afterwards, but before he left, Campos handed Marjorita P500.00 but not without a warning not to divulge to anyone what he had done to her or he would harm her.

Again, another two (2) days after or on 9 October 1996, while Marjorita was gathering firewood, Campos who was then tending his carabao spotted her. He approached her and brought her to a clearing nearby and there ravished her for the last time.

Ma. Victoria, older sister of Marjorita, also narrated in court her sexual experience in the hands of Campos. Thus, in June 1994 she went to the house of Campos to ask for *danutan* leaves for her grandmother. He offered to gather the *danutan* leaves for her; but first, he invited her inside his house. Once inside, he forced her to lie down and then raped her. She was only eight (8) years old at the time of the rape.

While admitting having fondled the private parts of the complaining witnesses, Ma. Victoria and Marjorita, Campos denied that he raped them. But his denial was belied by the results of the medical examination conducted by Dr. Warlita Aranas who testified that Ma. Victoria and Marjorita had loose vaginal sphincter tone and their hymens were no longer intact. Moreover, Juanita Padillo, mother of Ma. Victoria and Marjorita, testified - and this was damning evidence - that Campos wrote them a letter asking for their forgiveness.

After the reception of evidence and sustaining the version of the prosecution, the trial court found accused Faustino Campos alias *Enot* guilty beyond reasonable doubt of five (5) counts of rape and sentenced him accordingly to five (5) distinct penalties of *reclusion perpetua* and to indemnify Ma. Victoria in the amount of P50,000.00 and Marjorita P100,000.00, and to pay the costs.

Accused-appellant insists in this appeal that he could not be convicted of raping Ma. Victoria and Marjorita considering that the medical examination showed that the complaining witnesses suffered no lacerations, abrasions or contusions.

But a medical examination is not indispensable in a prosecution for rape. In fact, there can be rape even if the medical examination shows no vaginal laceration.<sup>[3]</sup> As we held in *People v. Dreu*<sup>[4]</sup> -

It is of no moment either that the medical certificate fails to show that Josephine suffered any contusion or abrasion. Although the results of a medical examination may be considered strong evidence to prove that the victim was raped, such evidence is not indispensable in establishing accused-appellant's guilt or innocence. In *People v. Docena*, we stated:

That there was no medical examination report presented, sign of resistance during the actual copulation, or proof of violence committed against MARGIE does not detract from our conclusion that she was raped. A medical examination is not indispensable in a prosecution for rape. Medical findings or proof of injuries, virginity, or an allegation of the exact time and date of the commission of the crime are not essential in a prosecution for rape.

In fact, the medical findings of Dr. Aranas only serve to corroborate the testimonies of the sisters Ma. Victoria and Marjorita. In *People v. Alicante*<sup>[5]</sup> we said that the accused may be convicted on the basis of the lone uncorroborated testimony of the rape victim provided that her testimony is clear, positive, convincing and consistent with human nature and the normal course of things. As found by the trial court, the testimonies of Ma. Victoria and Marjorita were "positive, candid, straightforward, and endowed with the ring of truth and earmarks of credibility, deserving the court's full faith and credence."<sup>[6]</sup> The court *a quo*, on the other hand, disbelieved the version of the defense -

His admission that he fondled the private parts of the complainants is just one sensuous act away from sexual intercourse. Accused having taken advantage of the youthful credulity of the complainants in sexually petting them, must have all the more naturally aroused his lewdness,

whereby in that (sic) circumstances of time and place, there is strong reason to believe the complainants' positive allegations that the accused was not contented in touching their private parts, but went on in pursuing his lust to its desired end. This is exactly what was meant by the judicial opus: Lust is no respecter of person, time and place.<sup>[7]</sup>

Evaluation of the credibility of witnesses and their testimonies is a matter best undertaken by the trial court because of its unique opportunity to observe the witnesses and their demeanor, conduct and attitude, especially under cross-examination. Appellate courts are bound by the findings of the trial court in this respect, unless it is shown that it has overlooked, misunderstood or misappreciated certain facts and circumstances which if considered would have altered the outcome of the case.<sup>[8]</sup> We find no reason in the instant case to disturb the factual findings of the court below.

Marjorita was only ten (10) years old and Ma. Victoria was eleven (11) when they testified in court. At such tender years, they were still unfamiliar with and naive in the ways of the world that it is quite unbelievable that they could fabricate such a sordid story of personal defloration.<sup>[9]</sup> Their testimonies therefore cannot be disregarded. Besides, the defense failed to impute any ill motive on the part of Ma. Victoria and Marjorita as to file such serious charges against accused-appellant if what they testified to was not the truth. In fact, Campos himself testified that he occasionally gave some money to the complaining witnesses for school allowance. In *People v. Pambid*<sup>[10]</sup> we declared that the testimony of rape victims who are young and immature deserves full credence, especially if they are without any motive to testify falsely against an accused, as in this case.

The defense next claims that the prosecution failed to prove that Ma. Victoria was raped by accused-appellant as he only fondled her private parts. We are not persuaded. That Ma. Victoria was raped by accused-appellant sometime in June 1994 was clearly established in the records -

Fiscal    You said that the house of Faustino Campos is just near Cabatos:the house of your grandmother, can you point to a certain distance to estimate the distance of the house of Faustino Campos to the house of your grandmother?

Record: (Witness pointed to a certain distance inside the court room).

Court:    One hundred meters, more or less.

Fiscal    x x x did you go to the house of Faustino Campos as Cabatos:directed by your grandmother?

Complaining witness: Yes, ma'am.

Q:        x x x who was present at the house of Faustino Campos?

A:        He was there alone x x x x

Court:    And, when you saw that the accused was in his house, what did you say to him?