

SECOND DIVISION

[G.R. No. 122507, February 25, 1999]

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ROMEO LAPINOSO Y LIANGAO, ACCUSED-APPELLANT.

D E C I S I O N

QUISUMBING, J.:

This appeal challenges the decision^[1] dated June 15, 1995 of the Regional Trial Court of Iligan City, Lanao del Norte, Branch 1, in Criminal Case No. 5580, convicting accused-appellant of the crime of rape and sentencing him to suffer the penalty of life imprisonment and to pay the victim the amount of P50,000.00 as indemnity.

Accused-appellant Romeo Lapinoso (hereinafter "appellant") was forty-two (42) years old, single, a cousin of the father of the private complainant Maria Luna Capta (hereinafter "private complainant") and at the time of the alleged offense, had been living with the Capta family since 1981. He was accused of the crime of rape of private complainant, his niece, at that time an 18 year-old third year high school student.

From the records containing the testimonies of appellant and private complainant, hereunder is the chronological sequence of the events leading to the charge of the alleged offense:

On May 19, 1994, at around 3:00 o'clock in the afternoon, private complainant suddenly left their house in Buru-un, Iligan and fled to the nearby Saint Michael Cathedral, Quezon Avenue, Iligan City.^[2] Apparently, her parents had a disagreement over her failure to enroll in one subject for her summer class.^[3] Appellant Lapinoso followed her and looked for her in the church.^[4] Private complainant revealed to him that she was going to Davao.^[5] Appellant sympathized with her and even convinced her "to go with him to Iligan City where he will buy her a dress and shoes."^[6] At around 4:00 o'clock in the afternoon, appellant and private complainant went to the house of one Nening Hipuwit located at Tibanga, Iligan City.^[7] Appellant then went back to the Captas' family house in Buru-un to pack the things of private complainant.^[8] Only private complainant's brother was home, drunk. Appellant merely mentioned to him that appellant had an emergency and must leave immediately.^[9] Thereafter, appellant and private complainant went to Iligan City Proper where they alighted at the Post Office and boarded an "Acmac" public utility vehicle.^[10] At around 7:00 o'clock in the evening, they reached Acmac, Iligan City, and stayed at the house of one Eddie Consulacion, a Kagawad, who allowed them to sleep in the sala for the night.^[11] The following day, on May 20, 1994, at around 6:00 o'clock in the morning, they went to Tag-ibo, Sta. Filomena,

Iligan City, and stayed in the house of one Bebing Tinoy. Again, they were allowed to sleep in the sala for the night.^[12] On May 21, 1994, they left for Dalipuga, Sta. Felomina and stayed in the house of one Betty Caparida,^[13] whose husband even advised them to surrender to the parents of private complainant.^[14] However, private complainant was still afraid to return home so they left for the house of an unidentified friend of appellant in Santa Felomina, then they returned to Acmac to stay in the house of appellant's friend whose name private complainant could no longer remember. When they arrived on the night of May 21, 1994, the owner of the house welcomed them and gave them pillows and a room to stay for the night. While private complainant was lying down, appellant pointed a knife^[15] at her neck and forced her to have sexual intercourse with him.^[16] Private complainant cried and shouted, which caught the attention of the house-owner who asked them if private complainant was the wife of appellant. Private complainant said she was not, and the house-owner told them to get out of the house.^[17] At around 10:00 o'clock in the evening, with private complainant still crying, appellant and private complainant were forced to proceed by foot to the house of Eddie Kagawad.^[18] On the way, appellant told private complainant that he would marry her. However, when they reached Eddie Kagawad's house, they found out that it was already closed for the night. Hence, they had no choice but to sit side by side on the "koral" fence, with appellant telling private complainant to sleep at the "apace" of the said fence. However, private complainant failed to sleep that night.^[19]

The following day, on May 22, 1994, Aurelio Capta, private complainant's father, found them in this sorry state. Apparently, he had been looking for his daughter since May 20, 1994, when he got back from work and his wife told him that their daughter had left.^[20] Together with his wife and children, he looked for his daughter at the house of her classmates but to no avail.^[21] When Aurelio got home, he was informed by a person named Tinoy that his daughter was in Tag-ibo, and was brought there by appellant. He requested Major Salvador Alia to accompany him to the house where his daughter purportedly stayed, but when they arrived, they were informed that appellant and private complainant had already left.^[22] Next day, the family again renewed their search for private complainant by looking out for her on buses passing by but to no avail.^[23]

It was while Aurelio and his family were driving around that Aurelio saw his daughter with appellant. Aurelio took hold of his daughter who by then looked thin and weak. Aurelio angrily asked appellant why he brought away his daughter without permission. Appellant asked him for his forgiveness. Aurelio then brought appellant to the police headquarters of Iligan.^[24] That same day, May 22, 1994, private complainant and her father executed their respective sworn statements^[25] before SPO2 Vicente P. Sadana of the PNP-Iligan City. The following day, private complainant was medically examined by Dr. Ophelia Ibarra at the City Hospital of Iligan City.

On May 24, 1994, private complainant filed the instant Complaint-Affidavit^[26] for rape against appellant, which reads:

"The undersigned Complainant accuses ROMEO LAPINOSO y Liangao of the crime of RAPE, committed as follows:

That on or about May 21, 1994, in the city of Iligan, Philippines, and within the jurisdiction of this Honorable Court, the said accused, by means of violence and intimidation, did then and there willfully, unlawfully and feloniously have carnal knowledge of the undersigned against her will.

Contrary to and in violation of Article 335 of the Revised Penal Code.

City of Iligan, May 24, 1994."

(Sgd.) Maria Luna Capta
Complainant

On July 7, 1994, upon arraignment, accused-appellant, duly assisted by counsel Atty. Daniel T. Bayron of the Public Attorney's Office, entered a plea of not guilty.

During trial, the prosecution presented three witnesses, namely, (1) Aurelio Capta, the father of private complainant; (2) Maria Luna Capta, the private complainant; and (3) Dr. Ophelia Ibarra, the physician who examined private complainant.

Accused-appellant testified on his behalf and admitted that he was with private complainant from May 19, 1994 up to May 21, 1994, the night when the alleged rape was committed, but he denied that any carnal knowledge took place between them.

On June 15, 1995, the trial court rendered its decision^[27] finding accused guilty as charged, the dispositive portion of which reads:

"WHEREFORE, premises considered, the Court finds accused Romeo Lapinoso guilty beyond reasonable doubt of the crime charged against him and hereby sentences him to suffer the penalty of Life sentence.

To pay P50,000.00 to the complainant by way of indemnity.

SO ORDERED."

Hence, the present appeal, founded on the following assignment of errors for our consideration:

I.

THE TRIAL COURT GRAVELY ERRED IN GIVING FULL WEIGHT AND CREDENCE TO THE INCREDIBLE AND INCONSISTENT TESTIMONY OF THE PRIVATE COMPLAINANT.

II.

THE TRIAL COURT GRAVELY ERRED IN CONVICTING THE ACCUSED-APPELLANT NOT ON THE BASIS OF THE STRENGTH OF THE EVIDENCE FOR THE PROSECUTION BUT RATHER ON THE WEAKNESS OF THE EVIDENCE FOR THE DEFENSE.

We shall now discuss the issues arising from these assigned errors.

To begin with, accused-appellant puts at issue the credibility of the complainant. Her narration of events, in his view, is incredible; and he submits it was error for the trial court to convict him on a false charge of rape.

Critical to any rape prosecution is the complainant's credibility, for that factor alone might be determinative of the guilt or innocence of the accused.^[28] The general rule is that "the assessment 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 firsthand and to note their demeanor, conduct and attitude x x x. These are among the most significant factors in evaluating the credibility of witnesses as well as the veracity of their testimonies, especially in the face of conflicting versions. Having conducted the entire proceedings, the trial court could be expected to determine, based on an (sic) acute observations and deductions, whose testimony to accept and which version to disregard. Findings of the trial court on such matters generally will not be disturbed on appeal, unless some facts or circumstances of weight have been overlooked, misapprehended or misinterpreted so as to materially affect the disposition of the case."^[29]

In the case before us, the trial court found the testimony of private complainant credible, and even corroborated by appellant's testimony insofar as they were together for three days including and up to the night of the commission of the rape.

Appellant would also make it appear that private complainant's testimony is beset with glaring inconsistencies. First, according to appellant, when questioned as to what she did after she was raped, private complainant said during direct examination that she cried, while on cross-examination, she said that she shouted. On this point, however, we find no inconsistency indicated by such statements. The fact that private complainant cried does not mean that she could not have had an opportunity to shout for help, as she in fact did, which caught the attention of the owner of the house where they were staying.

Appellant further assails the story of private complainant as incredulous since she failed to ask for assistance even when she was already brought to different places by the accused and was even introduced by him as his wife. This behavior runs contrary to the course of human experience, according to appellant. The records show, however, that private complainant was under a lot of stress at the time she left their house. She was probably in a confused state of mind. She was vulnerable when appellant, as relative, offered his help to leave their place and bring her to the city to buy her dress and shoes. It has been repeatedly ruled by this Court that the workings of a human mind are unpredictable; people react differently under emotional stress and there is no standard form of behavior when one is confronted by a shocking incident.^[30] That private complainant put her misplaced trust on appellant, whom she considered an "uncle" and who promised to help her leave their town but later took advantage of her vulnerability, is not at all unheard of. In fact, it is a trite plot of local literature.

Appellant contends, in regard to his second assignment of error, that a fastidious reading of the decision would reveal that the conviction of the accused was based on the weakness of evidence for the defense. Admittedly, in its decision, the trial court

disregarded the testimony of appellant as "full of lies and inconsistencies," and gave full faith and credence to the testimony of the private complainant and her witnesses. We are aware of the maxim that "[a]n accusation for rape can be made with facility; it is difficult to prove but more difficult to disprove. The evidence for the prosecution must stand or fall on its own merits and cannot be allowed to draw strength from the weakness of the evidence for the defense."^[31] Nevertheless, "in a criminal case, an appeal to the Supreme Court throws the whole case open for review."^[32] Having examined the entire records presented before us, including the testimonies of both appellant and private complainant, we are convinced that the totality of the evidence presented by the prosecution proves beyond reasonable doubt all the elements of the crime of rape.

Rape is committed by having carnal knowledge of a woman under any of the following circumstances: (1) By using force or intimidation; (2) When the woman is deprived of reason or otherwise unconscious; and (3) When the woman is under twelve years of age or is demented. x x x Whenever the crime of rape is committed with the use of a deadly weapon or by two or more persons, the penalty shall be *reclusion perpetua* to death.^[33]

That carnal knowledge took place between appellant and private complainant is amply supported by testimony on record:

"PROSECUTOR ALINADER DITUCALAN TO PRIVATE COMPLAINANT

Q: Will you describe to us when the accused rape you (sic)?

A: He remove (sic) my underwear then my dress and after that he put himself on top of me.

COURT TO THE WITNESS

Q: Is that the time when you were crying?

A: I was crying during the time when he pointed his knife towards my person and proceeded in raping me.

Q: And despite you were crying he forced you and proceeded in raping you that time?

A: Yes, sir.

PROSECUTOR DITUCALAN TO WITNESS

Q: You said you were crying, did you feel anything at that time?

A: I pleaded to him not to do these things to me but he did not listen to my pleadings to him. (sic)

x x x

Q: After the accused succeeded in raping you what happen (sic)?