

THIRD DIVISION

[G.R. Nos. 130206-08, June 17, 1999]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
MARIANO PALMA Y ANDRADE, ACCUSED-APPELLANT.**

D E C I S I O N

ROMERO, J.:

Admittedly, accused-appellant Mariano A. Palma, had carnal knowledge of the complainant, Irene Meneses, three times. Not unexpectedly, the former claims that complainant voluntarily acceded to the same. On the other hand, complainant alleges that all three were carried out through force and violence. On the resolution of this question lies accused-appellant's acquittal or conviction for the crime of rape.

On January 15, 1993, three informations for the crime of rape were filed against Mariano A. Palma, as follows:

Criminal Case No. 93-114868

That on or about October 6, 1992, in the City of Manila, Philippines, the said accused by means of force and violence to wit: by then and there poking a *balisong* at her neck, and accused will (sic) kill her if she will shout, and then bringing her to his house and forcibly removing her dress, panty and shorts, did then and there wilfully, unlawfully and feloniously kissing (sic) her lips and have carnal knowledge of the said IRENE MENESES Y ESPLANA, 17 years of age, single, without her consent and against her will.

CONTRARY TO LAW.

Criminal Case No. 93-114867

That on or about January 1, 1993, in the City of Manila, Philippines, the said accused by means of force and violence to wit: by then and there poking a *balisong* at her neck, and accused will kill (sic) her if she will shout, and then bringing her to his house and forcibly removing her dress, panty and shorts, did then and there wilfully, unlawfully and feloniously kissing (sic) her lips and have carnal knowledge of the said IRENE MENESES Y ESPLANA, 17 years of age, single, without her consent and against her will.

CONTRARY TO LAW.

Criminal Case No. 93-114869

That on or about January 5, 1993, in the City of Manila, Philippines, the said accused by means of force and violence to wit: by then and there

pulling her hair and dragging her to the house of the accused and forcibly removing her dress, panty and shorts, did then and there wilfully, unlawfully and feloniously have carnal knowledge of the said IRENE MENESES Y ESPLANA, 17 years of age, single, without her consent and against her will.

CONTRARY TO LAW.

Upon his arraignment on February 17, 1993, accused-appellant pleaded not guilty to all three charges. Joint trial of the three criminal cases ensued.

The prosecution presented as its witnesses the complainant Irene Meneses, the police investigator assigned to the case, SPO3 Benigno Macalindong and the medico-legal officer who examined the complainant, Dr. Manuel Lagonera.

Complainant testified that at the time of the alleged assaults, she was employed as a housemaid by the spouses Eduardo and Ada Santos, who lived at 801 Fullon Street, Tondo, Manila. At around 1 a.m. of October 8, 1992, while she was hanging clothes at the back of the Santos' house, accused-appellant poked a *balisong* at her and told her not to shout or else he would kill her. Accused-appellant then dragged complainant across Fullon Street and into an unoccupied room of his residence, where he undressed her and placed a "cigarette" in her mouth. She refused to smoke the same but accused-appellant, saying he would "shotgun" her, blew smoke into her mouth. She fell in a daze and thereafter, accused-appellant put himself on top of her and inserted his penis inside her private parts. Complainant felt too weak to resist. Afterwards, accused-appellant dressed complainant. She could not remember, however, how she got home. Crying and frightened that accused-appellant would kill her, complainant did not tell anyone about her ordeal.

At 4 a.m. of New Year's Day, 1993, complainant was at the back of the Santos' house, removing clothes from the clothesline, when again accused-appellant appeared and poked a *balisong* at her. Accused-appellant seized complainant by the neck and dragged her across Fullon Street and into his residence. They entered a vacant room where accused-appellant, all the while threatening to kill complainant, undressed the latter. With one hand, he felt the breasts of complainant, while with the other, he poked his *balisong* at her. Accused-appellant then mounted complainant and had carnal knowledge of her. Complainant could not do anything out of fright. After satisfying himself, accused-appellant warned complainant not to tell anybody and ordered her to go home. Complainant went home crying. Again, complainant did not tell anybody about her ordeal.

Four days later, at around 2 a.m., while complainant was doing some household chores, she heard a knock on the door. As she was expecting the early morning delivery of bananas for the store owned by her employers, complainant opened the door. Unfortunately, it was accused-appellant who was at the door. He grabbed complainant by the hair and dragged her to his house where again, he had carnal knowledge of the latter. Complainant went home crying. This time, however, her employers woke up and noticed her weeping. Upon continued questioning, complainant was forced to reveal her ordeal at the hands of accused-appellant. On January 9, 1993, complainant filed a complaint with the WPD against accused-appellant. She was examined by a medico-legal officer that same day. Five days later, accused-appellant was arrested by the police.

SPO3 Benigno Macalindong testified that on January 14, 1993, he investigated the charge of rape filed by complainant against accused-appellant. When asked to identify her assailant, complainant pointed to accused-appellant.

Dr. Manuel Lagonera testified that on January 9, 1993, while examining complainant, he found that she had healed hymenal lacerations at the 3 o'clock and 9 o'clock positions. On further questioning, he testified that sexual intercourse was the common cause of hymenal lacerations with the healing of a lacerated hymen taking from three to seven days.

For his part, accused-appellant presented himself and his mother, Candida Palma.

Accused-appellant testified that he usually bought items from the store of the Santos spouses. He first saw complainant tending said store sometime in mid-September 1992. Accused-appellant started courting complainant who, on October 8, 1992, told him that she would go to his room that day. Complainant went to accused-appellant's room at around 2 a.m. and they had sexual intercourse. While they were so engaged, however, accused-appellant's mother entered the room and reprimanded them. She sent complainant home, who, in her hurry, left her underwear.

Three days later, accused-appellant and complainant agreed to meet sometime in January. It was on January 1, 1993 when they had their second liaison. Complainant went to his house where they had sex for half an hour. After the act, complainant dressed and left.

On January 5, 1993, accused-appellant and complainant had sex again. Complainant was, however, seen by her employers coming from the house of the accused-appellant. Accused-appellant claimed that complainant was forced by her employers to file a complaint against him, the latter allegedly threatening to charge complainant with stealing from their store if she did not do as her employers wished.

Additionally, accused-appellant testified that the clothesline of the Santos was located, not at the back of their house, but at the second floor thereof. One had to pass through two doors and climb a flight of stairs to get to it, making it impossible for an attacker to assault someone hanging clothes without alerting the occupants.

Candida Palma testified that at around 1 a.m. of October 8, 1992, she heard soft voices inside a room at the ground floor of her house. Upon opening the door, she saw complainant and accused-appellant having sex. She reprimanded the two of them, whereupon complainant hurriedly dressed up and left, leaving her underwear.

At around 4 a.m. of January 5, 1993, Candida was roused from sleep by a commotion outside her house. She saw complainant's employer, Ada Santos, who was angry that complainant had come from her house. As complainant declined to answer her employer's questions, the latter dragged her to the police precinct. Additionally, Candida testified hearing Ada Santos threaten complainant with theft charges if the latter would not file a complaint against her son. She attributed the Santos' hostility against her son to the fact that complainant would give away canned goods from their store to her son.

On February 17, 1995, the trial court rendered a decision, the dispositive portion of which reads as follows:

WHEREFORE, judgment is rendered:

- (1) In Criminal Case 93-114867, finding the accused Mariano A. Palma guilty beyond reasonable doubt of the felony of rape, and sentencing him to a penalty of *reclusion perpetua*, and to pay the offended party Irene E. Meneses moral damages in the amount of P30,000.00;
- (2) In Criminal Case 93-114868, finding the accused Mariano A. Palma guilty beyond reasonable doubt of the felony of rape, and sentencing him to a penalty of *reclusion perpetua*, and to pay the offended party Irene E. Meneses moral damages in the amount of P30,000.00;
- (3) In Criminal Case 93-114869, finding the accused Mariano A. Palma guilty beyond reasonable doubt of the felony of rape, and sentencing him to a penalty of *reclusion perpetua*, and to pay the offended party Irene E. Meneses moral damages in the amount of P30,000.00;

SO ORDERED.

Hence, this appeal where accused-appellant raises the following errors:

1. THE TRIAL COURT GRAVELY ERRED IN GIVING FULL FAITH AND CREDIT TO THE TESTIMONY OF THE COMPLAINING WITNESS IRENE MENESES;
2. THE TRIAL COURT GRAVELY ERRED IN NOT ACQUITTING ACCUSED-APPELLANT DESPITE FAILURE OF THE PROSECUTION TO PROVE HIS GUILT BEYOND REASONABLE DOUBT.

In impugning complainant's credibility, accused-appellant raises ten points that allegedly cast doubt on complainant's version of events. *First*, accused-appellant claims to be improbable and unbelievable complainant's assertion that she was doing household chores in the wee hours of the morning of October 8, January 1, and January 5. *Second*, accused-appellant disputes complainant's declaration that she was hanging clothes (on October 8, 1992) and removing clothes (on January 1, 1993) at the back of the Santos' house at the time of the first two rapes, claiming that the clothesline were installed, not at the back of the house, but at the second floor of the Santos residence. *Third*, accused-appellant finds it incredible that, on the occasion of the third rape, complainant just opened the door when she heard some knocks without taking any precautions. *Fourth*, accused-appellant finds it unbelievable for complainant to claim that at 4 a.m. of *New Year's Day*, she met no one while going home after her second ordeal. *Fifth*, accused-appellant claims that complainant's testimony is unreliable, citing her inability to remember who removed her clothes during the time of the first rape. *Sixth*, the failure of complainant to show signs of emotional distress after she was first raped is declared by accused-appellant to be contrary to human experience. *Seventh*, accused-appellant disparages complainant's credibility by pointing to inconsistencies in her testimony

as to the identity of her assailant and the location of the place where she was raped. *Eight*, accused-appellant finds it peculiar that complainant did not take any precautions given the similar methods allegedly employed by the accused-appellant in committing the three assaults. *Ninth*, accused-appellant claims that no rape incident occurred given that, in all three instances, complainant never put up a struggle to defend her honor. *Lastly*, accused-appellant claims his non-flight to be an indicium of innocence.

Accused-appellant's arguments lack merit.

As established by jurisprudence, the following principles are controlling in rape cases:

- (1) An accusation for rape can be made with facility; it is difficult to disprove but more difficult for the person accused, though innocent to disprove;
- (2) In view of the intrinsic nature of the crime of rape where only two persons are usually involved, the testimony of the complainant must be scrutinized with extreme caution; and
- (3) 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.^[1]

The testimony of the complainant must, thus, meet the test of credibility, in order for the accused to be convicted on the basis thereof. In this connection, it bears emphasizing that the conclusions of the trial court on the credibility of witnesses are generally not disturbed by the appellate court, the former being in a better position to decide the issue, having heard the witnesses themselves and observed their deportment and manner of testifying during the trial.

After a careful examination of the testimony of the witnesses and a review of the findings and conclusions of the trial court, we find no reason to depart from this doctrine. Jurisprudence dictates that when serious and inexplicable discrepancies in important details are found in a witness' testimony, his testimony may be disregarded. Conversely, when the inconsistencies and contradictions are on minor details, these do not impair his credibility. Unfortunately for accused-appellant, the circumstances which he points to as damaging to complainant's credibility are minor and extraneous circumstances which actually strengthen her testimony, erasing as they do any suspicion of rehearsed testimony.^[2]

Accused-appellant finds it improbable for complainant to be doing household chores at 1:00 a.m., 4:00 a.m. and 2:00 a.m. on the dates that she was raped. Furthermore, he claims that complainant could not have been motivated by industry to work at those hours, being paid only P500.00 per month.

It must be emphasized that complainant's salary and work habits are irrelevant to the issue of accused-appellant's guilt. Nonetheless, complainant's testimony adequately explain her work habits.

Court: