

## FIRST DIVISION

[ G.R. No. 130961, October 13, 1999 ]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. BOBBY AGUNOS, ACCUSED-APPELLANTS.**

### D E C I S I O N

**YNARES-SANTIAGO, J.:**

When a woman says she has been raped, she says in effect all that is necessary to show that she has been raped and her testimony alone is sufficient if it satisfies the exacting standard of credibility needed to convict the accused.

Accused-appellant Bobby Agunos assails the decision of the Regional Trial Court of Echague, Isabela, Branch 24, finding him guilty beyond reasonable doubt of the crime of rape committed against Maricris B. Reyes, the dispositive portion of which reads as follows:

WHEREFORE, finding the accused Bobby Agunos guilty beyond reasonable doubt of the crime of rape for which he is charged, the Court hereby sentences him to suffer the penalty of reclusion perpetua as provided for under Article 335 of the Revised Penal Code as amended and to indemnify the victim Maricris B. Reyes One Hundred Thousand (P100,000.00) Pesos by way of moral damages without subsidiary imprisonment in case of insolvency.

*Costs against the accused.*

*SO ORDERED.*<sup>[1]</sup>

On the evening of May 8, 1995, complainant Maricris B. Reyes was sleeping with her two children, Christian Dave, 5, and Leslie, 3, in their house located in Lacab, Jones, Isabela. Her husband, Pepito, who was a poll watcher of a mayoralty candidate, and her brother Rizaldy Barit who lived with them in the said house, were at the Lacab Primary School, located about three (3) kilometers away, watching the counting of ballots. At around 2:00 o'clock the following morning, a man whom Maricris thought was her husband lay down on the left side of the bed between her and Christian Dave. The man kissed her lips, went on top of her and inserted three fingers of his left hand in her vagina prompting her to slap him. Maricris, suspecting that the man was not her husband, reached for the flashlight on the headboard and focused the beam on the face of the man. She then recognized Bobby Agunos, a nephew and neighbor whose house was located only twelve (12) meters away from their house. Accused-appellant was a year younger than Maricris, who is the cousin of his mother.

Accused-appellant ordered Maricris not to shout otherwise he will box her stomach and stab her. When Maricris tried to shout for help, he covered her mouth with his hand. Then, he held her by the armpit and pulled her down from the bed to the

concrete floor. Accused-appellant placed his finger again in her private organ, and Maricris pleaded for him to go home since they are both married. Meanwhile, Christian Dave woke up and started to look for his mother. Maricris begged the accused-appellant to stop so she can attend to her son, and accused-appellant acceded. Thinking that accused-appellant already left after she had put the child back to sleep, Maricris proceeded to close the door where the accused-appellant gained entry. When she tried to switch the light on, accused-appellant who hid himself behind a wall, pulled her down. Then he pulled her shorts and panty down to her knee and forced her legs apart causing her undergarments to be ripped.<sup>[2]</sup> He unzipped his pants, took out his penis and inserted it in her vagina. Maricris struggled but had difficulty moving since the accused-appellant pinned her left arm behind her back.<sup>[3]</sup> When he was about to ejaculate, Maricris struggled once more, causing accused-appellant to ejaculate outside her vagina and between her thighs. Frustrated at having ejaculated outside her vagina, accused-appellant scolded her and tried to have sex with her again. Accused-appellant warned her not to tell anyone about the incident otherwise something untoward might happen to her family.<sup>[4]</sup> When accused-appellant left, Maricris wiped the semen from her thighs with her torn underwear.<sup>[5]</sup>

That same morning, at around 6:00 o'clock, Maricris went to the house of her sister-in-law Presentacion Villanueva to buy medicine. Presentacion, noticing Maricris' unusual pallor asked her what happened. Maricris replied that she was just suffering from a headache. Three hours later, a befuddled Maricris returned to Presentacion's house. Upon further prodding from Presentacion, Maricris disclosed that she had been sexually molested by accused-appellant. Presentacion then advised her to report the matter to the Barangay Captain.<sup>[6]</sup> Maricris, however, was afraid to do so. On May 11, 1995, at the house of her in-laws, Maricris told her husband that accused-appellant inserted his finger into her private organ. She did not tell him she was raped because she was afraid of his adverse reaction and the threats of accused-appellant. However, when her husband left, she told her mother-in-law that accused-appellant was able to insert his penis into her private organ.<sup>[7]</sup> It was only on May 12, 1995 that she had the courage to report the incident to the Barangay Captain. However, the Barangay Captain, while being related to both accused-appellant and complainant, had closer ties with accused-appellant. Realizing that no assistance was forthcoming from the Barangay Captain, Maricris and her husband went to the Office of the Philippine National Police to file a complaint against accused-appellant, Bobby Agunos, on May 25, 1995. When Maricris was investigated, she was not able to reveal everything that transpired because her husband was present.<sup>[8]</sup> She submitted to police investigator Regimino Pastor her torn shorts but was too embarrassed to submit her semen-stained underwear.<sup>[9]</sup>

On August 10, 1995, Maricris executed a complaint/affidavit charging Bobby Agunos of the crime of rape before the Office of the Provincial Prosecutor of Echague, Isabela. On September 25, 1995, an information was filed against Bobby Agunos before the Regional Trial Court of Echague, Isabela, Branch 24, docketed as Criminal Case No. Br. 24-0476, which reads as follows:

The undersigned Second Assistant Provincial Prosecutor of Isabela, in the instance of the victim, Maricris B. Reyes, who filed the corresponding Criminal Complaint/Affidavit in this office and which is made as an integral part of this Information, accuses BOBBY AGUNOS, for the crime

of RAPE, defined and penalized under Article 335 of the Revised Penal Code, as amended by Republic Act No. 4111, committed as follows:

That sometime on May 9, 1995 at about 2:00 o'clock early dawn at Barangay Lacab, municipality of Jones, province of Isabela, Philippines, and within the jurisdiction of this Honorable Court, the said accused, did then and there willfully, unlawfully and feloniously by means of force and intimidation, have carnal knowledge with one Maricris B. Reyes against the latter's will and consent.

*CONTRARY TO LAW.* [10]

Accused-appellant pleaded not guilty at his arraignment. He maintained on the witness stand that he was at the school building which served as a polling place in Lacab, Jones, Isabela, at the time the incident took place. He said he served as a guard for poll watchers of a certain Mayor Sebastian and he never left the polling place from 7:00 o'clock in the morning of May 8, 1995 to 3:00 o'clock in the morning of May 9, 1995, except for a brief respite at his home at about 2:00 o'clock in the afternoon of May 8, 1995.[11] Accused-appellant insisted that at the time of the incident, or at about 1:00 o'clock to 3:00 o'clock in the morning of May 9, 1998, he was sleeping underneath a mango tree just outside of the polling place with a number of companions, among them, Samuel Agunos and Danilo Barit.[12] He only left the place at past 3:00 o'clock in the morning.[13] Accused-appellant said he had no idea why Maricris filed the complaint against him.

Accused-appellant's story was corroborated by his aunt, Ofelia Hequilan, a distant cousin of Maricris. On the night in question, Ofelia served as a poll watcher of a certain candidate in Lacab, Jones, Isabela. She was assigned to watch the counting of ballots for Precinct No. 27 in Lacab Primary School. While Ofelia stayed inside the polling place, accused-appellant, who served as guard for poll watchers of Mayor Sebastian, stayed outside. At around 1:30 o'clock in the morning of May 9, 1995, Ofelia and her companions saw accused-appellant sleeping under a mango tree outside the polling place when they were sent by some teachers to buy some ice. At around 2:00 o'clock, when Ofelia and her companions returned to the polling place, they saw Bobby still asleep. Accused-appellant was apparently in such deep slumber inasmuch as he was still sleeping when Ofelia and her companions left the polling place at around 3:00 o'clock in the morning of May 9, 1995.[14]

The trial court did not give credence to the testimony of accused-appellant and on April 30, 1997 rendered the aforesaid decision finding him guilty beyond reasonable doubt of the crime of rape committed against complainant Maricris B. Reyes.

In his appeal, accused-appellant contends that the trial court erred in giving credence to the version of the prosecution that rape was committed. He claims that complainant's testimony is full of contradictions to be worthy of belief.

The appeal is bereft of merit.

The Supreme Court is guided by three principles in reviewing rape cases, namely: (1) an accusation for rape can be made with facility, it is difficult to prove but more difficult for the person accused, though innocent, to disprove it; (2) in view of the intrinsic nature of the crime of rape where only two persons are usually involved,