

[G.R. No. 127650, August 25, 2000]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
RICARDO TOQUERO Y JACOBO, ACCUSED-APPELLANT.**

D E C I S I O N

PARDO, J.:

The case is an appeal from the decision^[1] of the Regional Trial Court, Pangasinan, Branch 49, Urdaneta, convicting accused-appellant Ricardo Toquero y Jacobo alias "Antonio" of rape and sentencing him to reclusion perpetua and to pay one hundred thousand pesos (P100,000.00) in damages.

On August 11, 1995, 4th Assistant Provincial Prosecutor Emiliano M. Matro of Pangasinan filed with the Regional Trial Court, Pangasinan, Branch 49, Urdaneta, an information^[2] charging the accused with rape, committed as follows:

"That on or about the 19th day of October, 1994, in the morning, in the municipality of Urdaneta, province of Pangasinan, and within the jurisdiction of this Honorable Court, the above-named accused, armed with a handgun, and with the use of force, threat and intimidation, did then and there willfully, unlawfully and feloniously have carnal knowledge of minor Sonia M. de Vera against her will.

Contrary to Article 335 of the Revised Penal Code."

At the arraignment on November 15, 1995, accused-appellant pleaded not guilty to the crime charged.^[3] Trial ensued.

The facts may be related as follows:

At the time of the rape, Sonia De Vera was 14 years old and a second year high school student at Antonio P. Villar Memorial School in Sto. Tomas, Pangasinan. On the other hand, the accused, married with two (2) children, is a long-time neighbor and friend of Sonia's family.

At around 7:00 a.m. of October 19, 1994, Sonia was in school sweeping the floor in front of her classroom. Moments later, she saw the accused at the school gate calling for her. He told Sonia that her mother met an accident and was rushed to Carmen, Rosales, Pangasinan. Sonia wanted to go home first to change her school uniform, but the accused told her that her sisters were already in Carmen. So, together with the accused, she boarded a waiting tricycle and proceeded to Carmen, Rosales, Pangasinan.

Upon reaching Carmen, Sonia stopped the tricycle and asked the accused where her mother was. He alighted from the tricycle, talked to a man and then told her that her mother was in serious condition and had to be transferred to Urdaneta. And so they headed for that municipality.

In Urdaneta, accused brought Sonia to a building which she saw for the first time, that turned out to be Liz Hotel. After signing something and paying thereafter, the accused led Sonia to a room on the first floor. Once inside, she asked the accused where her mother was, but he instead poked a 6-inch gun at Sonia and threatened to kill her if she would shout. Accused then pushed Sonia to the bed, removed his clothes and ordered her to undress. When Sonia refused to heed him, accused forcibly undressed her. She struggled against the bestiality of the accused but he was too strong and was holding a gun while forcing himself upon her. After satisfying his lust, accused ordered Sonia to wash and put on her clothes. He repeated his threats to her life should she reveal what happened. After about four hours inside the room, Sonia and the accused left and boarded the same tricycle that brought them there. Accused got off at the Urdaneta town proper and instructed the tricycle driver to bring Sonia to her house in Bgy. San Antonio, Sto. Tomas, Pangasinan. Sonia revealed her sexual ordeal to her parents two (2) weeks after the incident.^[4]

The accused invoked the defense of *alibi*. He claimed that from 7:00 a.m. till 4:00 p.m. of October 19, 1994, he was at his farm in Bgy. San Antonio, Sto. Tomas, Pangasinan harvesting palay, together with Milong Toquero, Luvig Toquero, Rocky Jacobo, Romulo Quiming, Felipe Lalata and Enso Bautista. He vehemently denied raping Sonia. His family and Sonia were good neighbors, accused could not find any reason why Sonia would accuse him of raping her.^[5]

The trial court discredited the accused's *alibi* and gave credence to Sonia's story of rape. Thus, on October 19, 1996, the trial court rendered a decision, the decretal portion of which reads:

"WHEREFORE, the Court finds that the prosecution has sufficiently proved the guilt of the accused, Ricardo Toquero, beyond reasonable doubt, and correspondingly sentences him to suffer the penalty of reclusion perpetua, and to indemnify the complainant, Sonia de Vera, for damages she suffered in the amount of One Hundred Thousand Pesos (P100,000.00) and to pay the costs.

The bail bond posted for the provisional liberty of the accused is hereby ordered cancelled.

IT IS SO ORDERED."^[6]

In this appeal, accused-appellant assails the trial court's ruling: (1) having giving credence to the testimony of Sonia, and (2) disregarding his defense of *alibi*.

We sustain accused-appellant's conviction.

Assessing the credibility of witnesses is a function best discharged by the trial court.^[7] In assessing Sonia's testimony, the trial court declared that "her naturalness and candor as a victim of sexual abuse in this case is credible."^[8] Our own review of Sonia's testimony reveals that she remained consistent and unshaken in recounting how she was forced into sexual submission by accused-appellant.

It should be noted too, that both Sonia and accused-appellant testified as to the good relationship between their families prior to the rape charge.^[9] This dispels any notion that she had a motive other than to bring her rapist to justice and vindicate