

SECOND DIVISION

[G.R. No. 118852, January 20, 1997]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
EDGARDOQUITORIANO Y BRIONES, ACCUSED-APPELLANT.**

D E C I S I O N

PUNO, J.:

Accused-appellant Edgardo Quitoriano y Briones was charged before the Regional Trial Court of xxx with the crime of Rape allegedly committed as follows:

That on or about the 24th day of December 1992 at around 9:00 o'clock in the evening at xxx, Philippines and within the jurisdiction of this Honorable Court, the above named accused, armed with a fan knife, entered the dwelling of complainant, who was then alone, and by means of force, intimidation and threats against her life, wilfully, unlawfully and feloniously did lie and succeed in having carnal knowledge of complainant, against her will, and to her damage and prejudice.

CONTRARY TO LAW. ^[1]

Accused-appellant pleaded "not guilty". Hence, trial ensued.

Private complainant AAA testified that in the evening of December 24, 1992, she was in the kitchen located at the back of their house in xxx. The kitchen is about three (3) arms length away from the main house. At about 9:00 in the evening, accused-appellant entered the kitchen, poked a knife on her neck, and dragged her to the bamboo bed ("papag") about one-half arms length from the stove. Accused-appellant laid her down and removed her short pants and underwear. He then took off his pants and had sexual intercourse with her. Private complainant trembled because of fear. Thereafter, accused-appellant warned her not to tell anybody about the incident, or else, he would kill her. Private complainant kept the incident to herself. However, in June 1993, her aunt, BBB, discovered that she was pregnant. Thus, private complainant was forced to tell her aunt and her parents about the sexual assault committed against her by accused-appellant on December 24, 1992. On August 2, 1993, private complainant filed a complaint for rape against accused-appellant. ^[2] Private complainant gave birth on October 31, 1993. ^[3]

Accused-appellant interposed the defense of alibi. He testified that from 7:00 until 10:00 in the evening on December 24, 1992, he was at the house of Paulino Rioflorido in Barangay Pakaskasan, Torrijos, Marinduque. He was then having a drinking session with Reynaldo Rioflorido, the son of Paulino. At 10:00, they attended a party at the house of Jose Ampiloquio which was about 400 meters from

the Rioflorido residence. The party ended at around 1:00 in the morning, after which, they proceeded to accused-appellant's house. [4]

The trial court found accused-appellant guilty and sentenced him to *reclusion perpetua*, thus:

WHEREFORE, finding the accused guilty beyond reasonable doubt of the crime of Rape defined and punished under Art. 325 of the Revised Penal Code, committed with the use of a deadly weapon, he should be sentenced to suffer the penalty ranging from *reclusion perpetua* to death.

However, since when the act was committed the death penalty cannot be imposed, he is hereby sentenced to suffer the penalty of RECLUSION PERPETUA (Art. 27, RPC). There being no claim for moral damages, no pronouncement of the same is hereby made.

The accused shall be credited with the full extent of his preventive imprisonment under Article 29 of the Revised Penal Code.

The accused is likewise ordered to suffer the accessory penalty for *reclusion perpetua*.

The bond posted by the accused for his provisional liberty is hereby cancelled.

The body of the accused is hereby committed to the custody of the Director of the Bureau of Corrections, National Penitentiary, Muntinlupa, Metro Manila, thru the Provincial Warden of xxx.

SO ORDERED. [5]

Accused-appellant filed this appeal with its lone assignment of error:

The trial court erred in convicting the accused of rape beyond reasonable doubt. [6]

We affirm the judgment of conviction.

Private complainant's testimony is clear and detailed. Even in the cross-examination, her answers were consistent and unwavering. It is settled that in rape cases, the lone testimony of the victim, if credible, is enough to sustain a conviction. [7]

Accused-appellant's alibi cannot prevail over private complainant's testimony.

First, private complainant positively identified accused-appellant as the rapist. The kitchen was sufficiently illuminated by a gas lamp when accused-appellant entered. Then, he stood in front of private complainant and stared at her for a moment