

FIRST DIVISION

[G.R. No. 248530, March 03, 2021]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
REYNALDO DECHOSO Y DIVINA, ACCUSED-APPELLANT.**

DECISION

CAGUIOA, J:

This is an appeal,^[1] filed pursuant to Section 2, Rule 125 in relation to Section 3, Rule 56 of the Rules of Court, from the Decision^[2] dated March 29, 2019 (assailed Decision) of the Court of Appeals Fourth Division (CA) in CA-G.R. CR HC No. 08497. The assailed Decision affirmed, with modification, the Judgment^[3] dated June 29, 2016 rendered by the Regional Trial Court of Muntinlupa City, Branch 204 (RTC), in Criminal Case No. 09-719, which found accused-appellant Reynaldo Dechoso y Divina (Dechoso) guilty beyond reasonable doubt of the crime of rape under Article 266-A, paragraph (1)(a) of the Revised Penal Code (RPC).

The accusatory portion of the Information against Dechoso reads:

"That on or about the 6th day of November, 2009, in the City of Muntinlupa, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, by means of force, threat[,] and intimidation[,] did then and there willfully[,] unlawfully[,] and feloniously have carnal knowledge of complainant [AAA^[4]] against the latter's will and consent.

Contrary to Law."^[5]

Upon arraignment, Dechoso pleaded not guilty.^[6] Trial on the merits ensued thereafter.

The Facts

Version of the prosecution

The prosecution presented as witnesses: 1) private complainant AAA (AAA); 2) Barangay Policeman BBB (BBB); 3) Barangay Officer CCC (CCC); and 4) Police Chief Inspector Marianne S. Ebdane, M.D. (PCI Ebdane),^[7] whose testimonies can be summarized as follows:

On November 6, 2009, at around 4:30 in the morning, AAA was walking near the railroad track at YYY, on her way to ZZZ, Muntinlupa City, where she was working as a street sweeper. She was then four months pregnant. A man, who was later identified as Dechoso, approached her, suddenly blocked her path, and hugged her. AAA started shouting and begged Dechoso to let her go because she was pregnant and that she was on her way to work ("*Maawa ka sa akin kasi buntis ako saka papasok ako sa trabaho*"). Despite her pleas, Dechoso warned her not to shout, otherwise, he would kill her and that he only needed her for a few minutes to satisfy his lust ("*Wag kang [magsisisigaw] papatayin kita, saglit lang to magpaparaos lang ako*").^[8]

Dechoso then dragged AAA towards the railroad track, pinned her down on a vacant, rocky area along the track, removed her uniform and sucked on her nipples.^[9] He removed his t-shirt and laid on top of AAA, who kept on hitting him on the face while begging for him to stop. Dechoso, however, continued to insert his private part into AAA's vagina and had carnal knowledge of her.^[10] AAA kept resisting but Dechoso repeated his threats to kill her. It was only then that AAA gave up her attempts to free herself.^[11]

Meanwhile, AAA noticed Dechoso's wallet protruding from his waist. AAA grabbed the same and threw it towards a grassy area along the railroad track. After about 15 minutes, AAA sensed that Dechoso had succeeded in his lustful act. Dechoso stood up, wiped both their genitals with his shirt then ran away.^[12]

When Dechoso left, AAA stood up and went to the railroad track to retrieve her broom and dustpan. After she had gathered her belongings, AAA saw an identification card (ID) near the track, about an arm's length away from where she was raped. AAA picked up the ID and examined it. Suddenly, Dechoso, who had apparently returned, grabbed the ID from her and attempted to look for his wallet but eventually sped away without successfully finding it.^[13]

Thereafter, AAA immediately headed to the nearby barangay hall to report the incident. Thereat, AAA met and narrated to barangay officials BBB and CCC that she was raped by an unidentified man. AAA also told said officials that she was able to grab the wallet of her assailant and threw the same towards a grassy area along the railroad track. Hence, BBB and CCC accompanied AAA back to the crime scene to search for the wallet which was eventually recovered along the railroad track.^[14]

Upon inspection back at the barangay hall, the wallet contained a Kabalikatan Civicom ID belonging to Dechoso,^[15] whom BBB and CCC recognized because Dechoso was a former junior volunteer for the rescue team of the barangay. When BBB and CCC showed the ID to AAA, the latter identified Dechoso as her rapist. Thereafter, the barangay officials went to the Rescue Office of the barangay to obtain Dechoso's address.^[16]

Upon reaching the address provided by the Rescue Office, the barangay officials knocked on the door and were greeted by Dechoso's mother who confirmed that Dechoso was inside and had just arrived ("*kalarating lang*").^[17] Dechoso was then invited to go to the barangay hall after informing him that he was being accused by a woman of rape.^[18]

At the barangay hall, AAA pointed to Dechoso and identified him as the man who raped her. Thereafter, AAA went to the Criminal Investigation and Detection Group (CIDG) Office to file a complaint with the Women and Children's Protection Desk of Muntinlupa City Police Station. After filing her complaint, she proceeded to the Philippine National Police Crime Laboratory at Camp Crame for a medico-legal examination.^[19]

AAA was examined by PCI Ebdane who testified that there were no evident injuries on AAA's genitalia at the time of the examination. However, she clarified that the absence of injuries does not negate rape because: (a) the rapist could have lubricated his penis and/or the victim's vagina; or (b) AAA had already given birth, making the entrance of her vaginal wall larger. Indeed, at the time of the incident, AAA was already a mother of five children. PCI Ebdane likewise testified that AAA suffered abrasions on her lower back, specifically the scapular region and buttocks, which could have been caused by contact with rough objects such as rocks and stones.^[20]

Version of the Defense

The defense presented Dechoso as lone witness.^[21] He narrated the following:

On November 6, 2009, at around 4:00 in the morning, he was just at home sleeping. He was suddenly woken up by his mother because a barangay official was there to fetch him. He was led to the barangay service vehicle where eight other barangay officials were waiting on board and then brought to the barangay hall. He asked to be taken to the Rescue Office but was refused.^[22]

When they reached the barangay hall, Dechoso was made to sit beside a woman who he allegedly raped and who suddenly stood and started hitting him. They then proceeded to the CIDG Office where Dechoso was informed that he was being charged of rape, primarily on the basis of his wallet that was found at the crime scene.^[23]

In his defense, Dechoso explained that he was not in possession of his wallet because he had lost it prior to the incident. He was on his way home from the billiard hall when he saw a tricycle driver who was being bullied. He attempted to help the tricycle driver but ended up being ganged upon and mauled. When he was able to run away, he passed by the railroad track going to ZZZ. However, his aggressors were shortly in pursuit and started throwing stones at him. Thereafter, he headed to the Rescue Office to be treated by his friend, a certain FFF. Thereat, Dechoso noticed that his wallet was missing. He asked FFF to accompany him to search for his wallet, but gave up eventually, thinking that anyway it only contained his barangay ID and Kabalikang Civicom ID.^[24]

The Ruling of the RTC

In its Judgment dated June 29, 2016, the RTC found Dechoso guilty beyond reasonable doubt of the crime of Rape and sentenced him to suffer the penalty of *reclusion perpetua*, thus:

WHEREFORE[,] premises considered and finding the accused GUILTY beyond reasonable doubt of the crime of RAPE as defined and penalized under Art. 266-A par. 1 a) of the Revised Penal Code, REYNALDO DECHOSO y DIVINA is sentenced to Reclusion Perpetua and to all the accessory penalties provided by law. He is further ordered to pay the private complainant [AAA], the amount of Php 50,000.00 as moral damages and Php 50,000.00 as civil indemnity.

x x x x

SO ORDERED.^[25]

Dechoso appealed to the CA. He filed a Brief for the Accused- Appellant^[26] (Appellant's Brief) dated January 25, 2017, while the People, through the Office of the Solicitor General, filed its Brief for the Appellee^[27] dated May 29, 2017.

The Ruling of the CA

In the assailed Decision, the CA affirmed with modification the RTC's Decision as follows:

WHEREFORE, the appeal is **DENIED**. The Judgment dated 29 June 2016 in Criminal Case No. 09-719 of Branch 204 of the Regional Trial Court of Muntinlupa City is **AFFIRMED** with **MODIFICATION**.

The award of civil indemnity and damages in Criminal Case No. 09719 is **MODIFIED** as follows:

"In accordance with prevailing jurisprudence, Reynaldo Dechoso y Divina is **ORDERED** to pay AAA P75,000.00 as civil indemnity *ex delicto*, P75,000.00 as moral damages, and P75,000.00 as exemplary damages, with legal rate of 6% interest per *annum* from the date of finality of this judgment until fully paid."

SO ORDERED.^[28]

The CA found that the prosecution was able to establish by proof beyond reasonable doubt all the elements of rape. It likewise found no cogent reason to depart from the findings of the RTC as to the credibility of AAA and upheld her testimony as against the denial and alibi of Dechoso. Moreover, it rejected the defenses of Dechoso that it was impossible for AAA to have identified him under the circumstances of the alleged rape and that the latter's behavior was inconsistent with common human experience, hence, did not deserve credence. However, following prevailing jurisprudence, the CA modified the award of damages ordered by the RTC.^[29]

Thus, the present appeal pursuant to Section 2, Rule 125 in relation to Section 3,

Rule 56 of the Rules of Court.

Dechoso filed a Manifestation (in Lieu of Supplemental Brief)^[30] dated December 6, 2019 while the People likewise filed a Manifestation (in Lieu of Supplemental Brief)^[31] dated December 18, 2019, both stating that they would no longer be filing their respective supplemental briefs as their briefs filed with the CA already exhausted all of their arguments in the present case.

Issue

The main issue for resolution of the Court is whether or not the RTC and the CA erred in convicting Dechoso of the crime of Rape.

The Court's Ruling

The Court dismisses the appeal.

The findings of the trial court and CA as to the credibility of AAA are supported by the evidence on record and the law. Dechoso's claims of improper identification by AAA and her failure to resist the aggression do not deserve merit.

Dechoso, in his Appellant's Brief, mainly questions his conviction on two points: *first*, he challenges his identification by AAA and claims that, under the circumstances of the alleged rape, she could not have had a good opportunity to look at her assailant's face. This is because, based on AAA's testimony, the scene where the subject acts were committed was dark and there were no houses around which could have been a source of illumination;^[32] *second*, AAA's testimony was not credible as it was inconsistent with ordinary human behavior. Specifically, Dechoso claims that it is uncommon or unbelievable that AAA did not use her dustpan, broom and the heavy boots she was wearing to wrestle against her aggressor and struggle to free herself from his clutches.^[33]

In short, Dechoso puts into question the credibility of AAA and her testimony, and posits that his conviction cannot rest on this evidence of the prosecution as it is not sufficient to establish his guilt beyond reasonable doubt.

The Court disagrees.

As with other rape cases, the Court, in resolving the present case, is guided by three settled principles: (1) an accusation of rape can be made with facility and while the accusation is difficult to prove, it is even more difficult for the person accused, though innocent, to disprove; (2) considering that, in the nature of things, only two persons are usually involved in the crime of rape, the testimony of the complainant should be scrutinized with great caution; and (3) the evidence of the prosecution