

FIRST DIVISION

[G.R. No. 227749, September 22, 2020]

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. BEN SUWALAT, ACCUSED-APPELLANT.

D E C I S I O N

LAZARO-JAVIER, J.:

The Case

This appeal^[1] seeks to reverse and set aside the Decision^[2] dated July 29, 2016 of the Court of Appeals in CA-G.R. CR-HC No. 01734 which affirmed the trial court's verdict of conviction^[3] against appellant Ben Suwalat for two (2) counts of rape. Its dispositive portion reads:

WHEREFORE, the appeal is DENIED. The October 25, 2012 Decision of the RTC, Branch 27, Iloilo City in Crim. Case Nos. 06-63115 and 06-63116 finding accused Ben Suwalat guilty beyond reasonable doubt of two (2) counts of rape and sentencing him to suffer the penalty of *reclusion perpetua* for each count is hereby AFFIRMED with the following MODIFICATIONS:

- 1) For each count of rape, accused is hereby ordered to pay CCC the following amount: civil indemnity of 75,000.00, moral damages of 75,000.00 and exemplary damages of 75,000.00.
- 2) All damages awarded in this case should be imposed with interest at the rate of six percent (6%) per annum from the finality of this judgment until fully paid.

SO ORDERED."^[4]

The Information

Appellant was charged with two (2) counts of rape by carnal knowledge in relation to Republic Act No. 7610 (RA 7610), under the following Informations, *viz.*:

Criminal Case No. 06-63115

That on or about November 1, 2006 in the Municipality of [REDACTED] Province of Iloilo, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, with lust and lewd designs, taking advantage of nighttime to better attain his purpose, knowing of the

mental disability of minor-victim, by means of force, threat and intimidation, and for other consideration, did then and there willfully, unlawfully and feloniously have carnal knowledge of [CCC],³ a minor of fourteen years of age and a mental retardate, against her will and consent, to the damage and prejudice of said minor victim.

Contrary to law.^[6]

Criminal Case No. 06-63116

That on or about August 2006 in the Municipality ██████████ of Province of Iloilo, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with lust and lewd designs, taking advantage of nighttime to better attain his purpose, knowing of the mental disability of minor-victim, by means of force, threat and intimidation, and for other consideration, did then and there willfully, unlawfully and feloniously have carnal knowledge of [CCC], a minor of fourteen years of age and a mental retardate, against her will and consent, to the damage and prejudice of said minor victim.

Contrary to law.^[7]

The cases were raffled to the Regional Trial Court (RTC)-Iloilo City, Branch 27 and docketed as Criminal Case Nos. 06-63115 and 06-63116, respectively.

Arraignment and Plea

On arraignment, appellant pleaded "not guilty" to both charges.^[8]

During the trial, complainant CCC, Elsie Agcanas, Dr. Ma. Ruby Duyag (Dr. Duyag), PO1 Romadel Velasco (PO1 Velasco), Dr. Ali Robles (Dr. Robles) and complainant's father testified for the prosecution. On the other hand, appellant, his wife, and his neighbor testified for the defense.

The prosecution presented the following documentary evidence: complainant's sworn statement, police blotter report, complainant's certificate of live birth, complainant's medico-legal certificate, affidavit of Elsie Agcanas, psychological report, and psychiatric report.

The Prosecution's Version

Complainant testified that appellant raped her twice when she was fourteen (14) years old. The first rape incident happened in the evening of August 2006. On that day, her father went to appellant's house to make charcoal. In the evening of that day, her father left her and her sister to sleep at appellant's house. Her sister slept between her and appellant's wife on the same bed.

She was roused from sleep when she felt pain and saw appellant on top of her. He had removed her shorts and panties, mounted her, and forcefully inserted his penis into her vagina. She kicked, punched, and pushed him away. But he threatened to

kill her if she told her father, and something more would happen if she woke up her sister and his wife.

The following morning, appellant again threatened to waylay and kill her if he heard anything about the rape incident. Meantime, she told her father that she saw blood on her panties but the latter thought it was just her menstruation. She did not tell her father about the rape incident because she was scared of appellant.^[9]

On November 1, 2006, appellant again raped her inside their own house. Around 10 o'clock in the evening of October 31, 2006, appellant went to their house, asked coffee from her father, then slept on a bench downstairs. She, her sister, and her father slept on the elevated portion of their house. She slept on their bed, while her sister and father slept on the floor beside the bed. Around 4 o'clock the following morning, appellant went to her bed, undressed her, mounted her and forcibly thrust his penis into her vagina. She pushed and kicked him off the bed, but he stood up and mounted her anew. He then held both her hands with his one hand, and pressed a knife against her body with his other hand. He threatened to impale her with the knife if she tried to shout or made any noise. She cried helplessly out of pain and fear. She tried but failed to wake up her father. After appellant left, she told her father that appellant raped her. They then went to the barangay and [REDACTED] Police Station to charge appellant with two (2) counts of rape. She underwent medico-legal examination at the Western Visayas Medical Center in Mandurriao, Iloilo City.^[10]

Dr. Duyag testified that she examined complainant. She found an old hymenal laceration at 5 o'clock position. Based on this finding and her interview with complainant, she concluded that complainant was sexually abused.^[11]

Elsie Agcanas, a child development social worker at the Department of Social Welfare and Development (DSWD) Child Development [REDACTED], Iloilo, testified that in the morning of November 1, 2006, the barangay captain requested her to accompany complainant and complainant's father to the [REDACTED] police station where complainant was subsequently investigated. She also got appellant himself to go with her to the police station. There, complainant identified appellant as the person who raped her. Appellant was thereafter detained.^[12]

Dr. Robles, a psychiatrist at the Western Visayas Medical Center, Mandurriao, Iloilo City, testified that based on her examination of complainant on May 25, 2007, she found that complainant could not conclusively be considered a mental retardate as the latter performed well in her adaptive skills. She also opined that complainant can improve her mental ability given suitable education for her age.^[13]

Amelita Lelia Piojo, a psychologist, testified that Dr. Ali Robles referred complainant to her for psychological evaluation. After conducting a series of examinations on complainant, they concluded that although complainant's mental age was eight (8) years old, her level of adaptive skills was not of a mental retardate.^[14]

PO1 Velasco, a member of the Calinog Philippine National Police (PNP) assigned at the Women and Children Protection Center, testified that on November 1, 2006, complainant, complainant's father and Elsie Agcanas came to the police station to

report the alleged rape incidents committed by appellant. She took complainant's statement and referred her for medical examination at the Western Visayas Medical Center. She and other police officers headed to Brgy. Agcalaga to effect appellant's arrest. But they decided to return when they received information that the barangay is NPA infested. They asked Elsie Agcanas instead to fetch and bring appellant to the police station. When appellant arrived at the station, complainant pointed to him as the one who raped her. They, thus arrested and detained appellant.^[15]

Complainant's father corroborated complainant's testimony. He testified that appellant was in their house in the evening of October 31, 2006. The following morning, he found appellant already sleeping under the bed where complainant was sleeping. When complainant told him about the alleged rape incidents, they reported the same to the barangay. Thereafter, Elsie Agcanas accompanied them to the police station.

The Defense's Version

Appellant denied the charge. He admitted that complainant went to his house with her father sometime in August 2006, but denied that she slept there. While they were in his house, complainant never left her father's side. He never went to complainant's house in the evening of November 1, 2006 as he was then in his own house together with his wife and their neighbor.^[16]

In the morning of November 1, 2006, his wife went to Passi to visit the grave of her deceased relatives in the cemetery. He did not go with her as he helped butcher his neighbor's pig from 9 to 10 o'clock in the morning. Around 11 o'clock in the morning, his other neighbor Elsie came to his house to bring him to the police station for complainant's rape charges against him. He willingly went with Elsie, for only a guilty person would be afraid to go to the police. He was not arrested. But he was put in jail when he arrived at the police station.^[17]

Appellant's neighbor confirmed that appellant was one of the seven (7) or eight (8) men who helped butcher his pig on November 1, 2006, from 8 o'clock until 10 o'clock in the morning.^[18]

Appellant's wife testified that around 8 o'clock in the evening of October 31, 2006, their neighbor went to their house and talked with appellant about the pig they would butcher the next morning. Their neighbor left around 11 o'clock in the evening. Thereafter, she and appellant went to sleep, then woke up around 5 o'clock the next morning. She left for Passi around 7 o'clock in the morning. When she learned about appellant's arrest later in the afternoon, she went back to [REDACTED] to see him. Three (3) days later, she met complainant and the latter's father who told her that he wanted to settle the case. The two (2) did not sleep in their house.^[19]

The Trial Court's Ruling

By Decision^[20] dated October 25, 2012, the trial court rendered a verdict of conviction, viz.:

WHEREFORE, finding the accused BEN SUWALAT guilty beyond reasonable doubt of two counts of rape by carnal knowledge under paragraph 1 of Article 266-A of the Revised Penal Code as amended by R.A. 8353, he is hereby sentenced to suffer the penalty of *reclusion perpetua* in each case. He is ordered to pay CCC the amount of P50,000.00 as civil indemnity and P50,000.00 as moral damages in each case.

SO ORDERED.^[21]

The Proceedings before the Court of Appeals

On appeal, appellant faulted the trial court for finding him guilty of two (2) counts of rape despite the victim's alleged incredulous testimony and the prosecution's purported failure to prove his guilt beyond reasonable doubt. Appellant essentially argued: (1) His warrantless arrest was illegal as the police officers did not have any personal knowledge of the rape he allegedly committed; and (2) Complainant's testimony was hardly straightforward, much less, categorical, thus, casting doubt on the consummation of rape and the identity of the assailant.

On the other hand, the Office of the Solicitor General (OSG), through Assistant Solicitor General Raul J. Mandin and Associate Solicitor Ormil D. Go, maintained that the prosecution was able to establish appellant's guilt beyond reasonable doubt. Appellant was deemed to have waived any objection against his warrantless arrest when at the arraignment, he did not timely raise it.^[22]

The Court of Appeals' Ruling

In its assailed Decision^[23] dated July 29, 2016, the Court of Appeals affirmed in the main but modified the award of damages and interest pursuant to *People v. Jugueta*.^[24]

The Present Appeal

Appellant now seeks affirmative relief from the Court and prays anew for his acquittal. In compliance with Resolution^[25] dated January 23, 2017, appellant and the People both manifested that, in lieu of supplemental briefs, they were adopting their respective briefs filed before the Court of Appeals.^[26]

Issue

Did the Court of Appeals err in convicting appellant of two (2) counts of rape?

Ruling

We affirm with modification.

The RTC and the CA correctly appreciated the prosecution's evidence supporting appellant's conviction