

## THIRD DIVISION

[ G.R. No. 246194, November 04, 2020 ]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. XXX,<sup>[1]</sup>  
ACCUSED-APPELLANT.**

### D E C I S I O N

**HERNANDO, J.:**

Before the Court is an appeal of the September 27, 2018 Decision<sup>[2]</sup> of the Court of Appeals (CA) in CA-G.R. CR-HC No. 08749, which affirmed with modification the August 10, 2016 Decision<sup>[3]</sup> of the Regional Trial Court (RTC) of Aparri, Cagayan, Branch 9 in Criminal Case No. II-11687, finding XXX (accused-appellant) guilty beyond reasonable doubt of the Rape of private complainant AAA.<sup>[4]</sup>

In the Information<sup>[5]</sup> dated September 11, 2014 filed before the RTC, accused-appellant was charged with Rape as defined and penalized under Articles 266-A(1) (d) and 266-B of the Revised Penal Code (RPC), as amended by Republic Act (RA) No. 8363 (RA 8363), in relation to RA 7610 and RA 8369, allegedly committed as follows:

That on or about June 10, 2013, in the [REDACTED],<sup>[6]</sup> Province of Cagayan, and within the jurisdiction of this Honorable Court, the above-named accused, with lewd design, by the use of force or intimidation, did then and there willfully, unlawfully and feloniously have carnal knowledge of the herein offended party, [AAA], a minor, under twelve (12) years old, all against her will and consent, the sexual assault thereby gravely threatening the survival and normal development of the child and demeaned her intrinsic worth as human being.<sup>[7]</sup>

During the arraignment on November 7, 2013, accused-appellant pleaded not guilty to the crime charged. After pre-trial, the RTC proceeded with the trial proper.

The prosecution called to the witness stand the private complainant herself; the private complainant's mother, BBB;<sup>[8]</sup> Dr. Ma. Rowena Guzman (Guzman); BBB's brother-in-law, CCC; and Police Officer (PO) 2 Mosby Melanie Ramos (Ramos). The prosecution additionally submitted as documentary evidence CCC's Affidavit, the private complainant's Sworn Statement, BBB's Sworn Statement, the private complainant's Medical Certificate issued by Dr. Guzman, and the private complainant's Birth Certificate.<sup>[9]</sup>

The evidence for the prosecution presented the following version of events:

[Private complainant], then an eight-year old minor, and [accused-appellant] were close neighbors in [REDACTED].<sup>[10]</sup>

He is the grand uncle since his wife is the sister of her grandfather. She calls him [REDACTED].

At about 2:30 in the afternoon of June 10, 2013, her eighth birthday, [accused-appellant] called [private complainant] to his house then instructed her to buy candy for him at a nearby store. After buying, she returned to [accused-appellant's] house to give him the candy. When she was about to leave his house, he held her and forcibly laid her down on the floor and removed her short pants. He also removed his own shirt, pants and brief. He then went on top of her and inserted his private organ into hers.

Meanwhile, [private complainant's] uncle, [CCC], who was engaged in a drinking spree with (accused-appellant] and others just outside the house, was about to follow accused-appellant inside the house. Upon reaching the house, [CCC] saw from a window of the house that [accused-appellant] stood up while putting his underwear back on. About one meter from [accused-appellant], he saw [private complainant] lying down on the floor in the act of putting on her panty.

[CCC] went back to the place where they were having a drinking session and reported to a certain DDD what he saw. When he asked [private complainant] why was she on the floor putting her underwear back on, [private complainant] told [him] that [accused-appellant] pulled her and laid her down, then she cried.

[CCC] also went to (private complainant's] mother – whose house was only three meters away – to tell her about [accused-appellant's] dastardly act. [CCC] and [private complainant's] mother, together with other companions, immediately went to [accused-appellant's] house. A commotion ensued when they confronted him. Thereafter, the incident was reported to the Barangay.

On the following day, June 11, 2013, Barangay Officials x x x arrested and brought [acused-appellant] to the [REDACTED] Police Station. On the other hand, [private complainant] was brought to the Municipal Health Office of [REDACTED], Cagayan for medical examination. Dr. Ma. Rowena Guzman examined [private complainant's] reproductive organ and found hymenal lacerations on its 3, 6 and 9 o'clock positions.<sup>[11]</sup>

Evidence for the defense principally consisted of accused-appellant's testimony, together with his Medical Certificate and Counter-Affidavit. Accused-appellant recounted that:

10. The [accused-appellant] is the uncle of [BBB]; hence, he considers himself as the grandfather of [private complainant]. The [accused-appellant] denied having committed the crime of rape for the 10 June 2013 incident. According to him, on the morning of 10 June 2013, he prepared breakfast and the lunch of his own grandson, [EEE]. At around 9:30 o'clock, [CCC] invited him to go to DDD's house, which was less than fifty (50) meters and have a drinking spree.

11. The [accused-appellant] and his companions engaged in merriment as they all sang and drank at DDD's house. At around 3:00 o'clock in the

afternoon, he left DDD's and went home as he and the rest (CCC and DDD) were to go to [REDACTED] for a business transaction [at] 4:00 o'clock in the afternoon.

12. Upon arriving at his home, the [accused-appellant] saw EEE and [private complainant] playing. He instructed EEE to buy some shampoo but [private complainant] volunteered to buy and took the money away from EEE. [Private complainant] then left while EEE went to the back of the house. Considering that he was pressed for time, the [accused-appellant] took a bath. Thirty (30) minutes later, while the [accused-appellant] was already putting on his clothes, [private complainant] arrived and threw the shampoo and some candy. She was followed by [CCC] who shouted that they have to leave for [REDACTED]. [Private complainant] then went to her own house as she was called by [BBB].

13. Soon after, [BBB] called several persons, including [CCC], in order to beat up the [accused-appellant] for allegedly having raped [private complainant]. The [accused-appellant] went out of the house and was struck by [CCC] and DDD, hitting his left eye. He was pushed back inside his house by the two, who were shouting that the [accused-appellant] rapes children. The [accused-appellant] replied that they were lying as he just sent out [private complainant] to buy and asked them if they have seen anything. The [accused-appellant] had a bruised left eye and dislocated his left thumb because of the mauling he received from [CCC] and DDD. After the mauling, a barangay official named x x x arrived and accused him of having raped [private complainant] and advised to bring her to the hospital.

14. The [accused-appellant] then went to the [REDACTED] Hospital for medical treatment the following morning. After he was examined, he went to the [REDACTED] Police Station x x x for interrogation. He denied all the accusations against him.<sup>[12]</sup>

On August 10, 2016, the RTC promulgated its Decision finding accused-appellant guilty as charged and sentencing him, thus:

WHEREFORE, foregoing premises considered, the Court hereby finds [accused] guilty beyond reasonable doubt of the capital offense of Rape under Articles 266-A and 266-B of the Revised Penal Code, in relation to Republic Act 7610, as charged in the Information, and he is hereby sentenced to suffer the penalty of **RECLUSION PERPETUA**. He is hereby ordered to indemnify [private complainant] the amount of **FIFTY THOUSAND (P50,000.00) PESOS** by way of civil indemnity; and another amount of **FIFTY THOUSAND PESOS (P50,000.00)** by way of moral damages, plus interest of six percent (6%) per *annum* on each item reckoned from finality of the Decision until full payment and directing him further to pay the cost of the suit.<sup>[13]</sup> (Emphasis in the original)

Acting on accused-appellant's appeal, the appellate court rendered a Decision dated September 27, 2018, affirming with modification the judgment of conviction of the RTC. The dispositive portion of the appellate court's Decision reads:

**WHEREFORE**, premises considered, the instant Appeal is DENIED. The Decision dated August 10, 2016 rendered by the Regional Trial court, Branch 9, Aparri, Cagayan in Criminal Case No. II-11687 is **AFFIRMED WITH MODIFICATION** in that the award[s] of civil indemnity and moral damages are both increased to P75,000.00. Accused-appellant is also **ORDERED** to pay private complainant exemplary damages in the amount of P75,000.00.

All other aspects in the assailed Decision are **AFFIRMED**.

**SO ORDERED.**<sup>[14]</sup> (Emphasis in the original)

In its Resolution dated December 13, 2018, the appellate court gave due course to accused-appellant's Notice of Appeal and ordered the elevation of the records of his case to this Court.

Hence, the present appeal.

Both the plaintiff-appellee and the accused-appellant manifested that they will no longer file supplemental briefs, having already extensively discussed their respective positions in their previous briefs before the CA.<sup>[15]</sup>

In his Brief, accused-appellant assigned several errors on the part of the RTC, to wit:

I.

THE COURT A QUO GRAVELY ERRED IN CONVICTING THE ACCUSED-APPELLANT OF THE CRIME CHARGED NOTWITHSTANDING THE INCREDIBILITY OF THE TESTIMONIES AND QUESTIONABLE BEHAVIOR OF THE PROSECUTION WITNESSES WHICH PUT GRAVE AND SERIOUS DOUBTS ON THEIR CREDIBILITY.<sup>[16]</sup>

II.

THE COURT A QUO GRAVELY ERRED IN CONVICTING THE ACCUSED-APPELLANT OF THE CRIME CHARGED AS THERE IS NO CONCLUSIVE FINDING THAT HE RAPED [PRIVATE COMPLAINANT] ILL-MOTIVE (sic) ON THE PART OF THE PROSECUTION'S WITNESSES.<sup>[17]</sup>

III.

THE COURT A QUO GRAVELY ERRED IN NOT CONSIDERING THE ACCUSED-APPELLANT'S DEFENSE OF DENIAL.<sup>[18]</sup>

Accused-appellant is essentially challenging the findings of fact of both the trial court and the appellate court, raising doubts as to the credibility of the witnesses and the weight and credence accorded to the evidence of the prosecution. He highlights that private complainant failed to offer any resistance when she was supposedly raped; that she did not report the incident right away; that there are many other causes of hymenal lacerations; and that there was ill motive on the part of prosecution witness CCC who allegedly stole money from accused-appellant's wife.

The Court is not persuaded.

Rape is defined and penalized as follows under the RPC, as amended:

Article 266-A. *Rape; When and How Committed.* – Rape is committed

1) By a man who shall have carnal knowledge of a woman under any of the following circumstances:

a) Through force, threat, or intimidation;

b) When the offended party is deprived of reason or otherwise unconscious; and

c) By means of fraudulent machination or grave abuse of authority; d) When the offended party is under twelve (12) years of age or is demented, even though none of the circumstances mentioned above be present.

x x x x

Article 266-B. *Penalties.* — Rape under paragraph 1 of the next preceding article shall be punished by *reclusion perpetua*.

x x x x

In *People v. Lolos*<sup>[19]</sup> (*Lolos Case*), the Court expounded that:

The gravamen of the offense of rape is sexual congress with a woman by force and without consent. As provided in the Revised Penal Code, sexual intercourse with a girl below 12 years old is statutory rape. The two elements of statutory rape are: (1) that the accused had carnal knowledge of a woman; and (2) that the woman was below 12 years of age. Sexual congress with a girl under 12 years old is always rape.

From the foregoing, it is clear that what only needs to be established is that the accused had carnal knowledge of the victim who was under twelve (12) years old.<sup>[20]</sup>

In the case at bar, the trial court, as affirmed by the appellate court, concluded that the prosecution was able to prove beyond reasonable doubt that accused-appellant had carnal knowledge of the private complainant who was only eight (8) years old at the time of the incident. Private complainant positively identified accused-appellant and candidly testified that he undressed her, laid her down on the floor, and "inserted his penis [into her] vagina."<sup>[21]</sup> Private complainant's testimony was substantiated by Dr. Guzman, who, after conducting her medical examination just a day after the rape, reported that private complainant had hymenal lacerations at 3, 6, and 9 o'clock positions. Furthermore, private complainant's age at the time she was raped, *i.e.*, eight (8) years old, was clearly established through her Birth Certificate.

Absent any compelling reason, the Court will not reverse the factual findings of both the trial and appellate courts. Findings of fact of the trial court, its calibration of the testimonial evidence, its assessment of the probative weight thereof, as well as its conclusions anchored on the said findings, are accorded high respect, if not conclusive effect, when affirmed by the appellate court. The trial court had the opportunity to observe the witnesses on the stand and detect if they were telling the