

THIRD DIVISION

[G.R. No. 221428, February 13, 2019]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
RENATO GALUGA Y WAD-AS, ACCUSED-APPELLANT.**

D E C I S I O N

HERNANDO, J:

Challenged in this appeal is the Decision dated June 9, 2015^[1] of the Court of Appeals in CA-G.R. CR-H.C. No. 05592, which affirmed with modification the Decision^[2] dated November 15, 2011 of the Regional Trial Court (RTC), Branch 19 of Cauayan City, Isabela, in Criminal Case No. 19-1972, finding accused-appellant Renato Galuga y Wad-as guilty beyond reasonable doubt of the crime of rape committed against AAA.^[3]

Accused-appellant was charged before the RTC with violating Article 335 of the Revised Penal Code, as amended by Republic Act (R.A.) No. 7659, and further amended by R.A. No. 8353, in relation with R.A. No. 7610, Article III, Section 5, paragraph b, in an Information^[4] that reads:

That on or about the 16th of April, 2002, in the municipality of x x x, province of Isabela, Philippines and within the jurisdiction of this Honorable Court, the said accused, by means of force and intimidation and with lewd designs, did then and there, willfully, unlawfully and feloniously, lay with, and have carnal knowledge [of] one [AAA], a minor girl of 12 years of age, thereby subjecting her to exploitation and sexual abuse, against her will and consent.

With the aggravating circumstance, that the victim [AAA], is a minor below 18 years of age, during the commission of the crime.

Upon arraignment, accused-appellant pleaded not guilty to the crime charged.^[5] Thereafter, trial on the merits ensued.

Private complainant herself, AAA; AAA's mother, BBB; AAA's father, CCC; Mitchell Garlitos (Garlitos); and Joselito Borja (Borja), appeared as witnesses for the prosecution. Dr. Ramon Hilomen, who allegedly conducted the physical examination of AAA, failed to appear before the RTC despite several subpoenas sent to him.

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

In the evening of April 16, 2002, after an altercation with her father CCC, 12-year-

old AAA left home and went to the barangay hall of Barangay II, San Mateo, Isabela. After 10 minutes, AAA proceeded to the park, sat beside the fountain, and cried for about 30 minutes. Accused-appellant approached AAA and introduced himself as "Jun-jun." When AAA refused his invitation for them to go to the plaza, he then invited her to the market place but, again, the latter refused. Accused-appellant then forcibly pulled AAA towards the market place. AAA tried to free herself from accused-appellant's grasp but she was unable to escape. At that time, there were about 12 people nearby but AAA did not cry out for help because accused-appellant threatened to kill her.

Accused-appellant managed to pull AAA towards a parlor in the market place. The parlor was already closed and had no lights on. Accused-appellant removed his clothes, laid AAA on the ground, and started removing her shorts and shirt. AAA tried to resist but accused-appellant threatened to kill her with a knife that was protruding from his bag. After removing AAA's clothes, accused-appellant went on top of her and inserted his penis into her vagina. AAA tried to push accused-appellant away but was unsuccessful. AAA cried because she was overwhelmed by fear and she could not do anything to free herself from her assailant.

At the time of the incident, witness Borja was driving his tricycle, with a passenger on-board, witness Garlitos, when they saw accused-appellant pulling AAA towards the market place. They immediately reported the incident to the victim's parents and also accompanied AAA's father, CCC, to the place where they last saw AAA, which was in front of Joy's Canteen (J's Canteen). The trio saw AAA and accused-appellant sitting on a wooden bench outside Naty's Restaurant (N's Restaurant). They confronted accused-appellant and brought him to the police station. AAA was crying and her hair was ruffled; she also appeared to be in a state of confusion.

When AAA's mother, BBB, arrived at the police station, she asked AAA what happened but she did not respond. Only when a lady police officer arrived did AAA disclose that she was raped by accused-appellant.

On the other hand, the defense presented the accused-appellant himself, accused-appellant's live-in partner, Realyn Acosta (Acosta), and Teddy Santos (Santos) as witnesses.

According to the evidence for the defense, accused-appellant was on his way home from work on April 16, 2002 when he saw AAA crying beside a fountain at the public park. Accused-appellant asked AAA to come with him to N's Restaurant, which was just across the fountain. She agreed and went with him. She then asked him to buy bread because she was hungry. However, after a few minutes, AAA's father and his two companions arrived and suddenly boxed accused-appellant. Thereafter, accused-appellant was brought to the municipal police station. Acosta and Santos both testified that many people go to the park at night since there are several mini-stores and eateries in the area.

On November 15, 2011, the RTC rendered a Decision convicting accused-appellant for the crime of rape.

The RTC found that AAA testified in open court in a straightforward and unequivocal manner and positively identified accused-appellant as the one who raped her. AAA also willingly pursued the case for three years just to finish her testimony in court

despite the lengthy delay in the proceedings caused by the defense. The trial court gave greater weight to AAA's testimony as no woman would be willing to undergo a public trial, along with the shame, humiliation, and dishonor of exposing her own degradation. The fact that the doctor who allegedly examined her failed to testify in court did not destroy the prosecution's case against accused-appellant.

Moreover, the RTC adjudged that accused-appellant's denial and his self-serving assertions could not overcome AAA's affirmative, categorical, and convincing testimony. Also, accused-appellant did not deny the fact that he was with AAA during the incident which made the testimonies of defense witnesses Acosta and Santos inconsequential.

The *fallo* of the RTC judgment reads:

WHEREFORE, judgment is hereby rendered finding the accused RENATO GALUGA guilty beyond reasonable doubt of the crime of RAPE and hereby sentences him to suffer the penalty of Reclusion Perpetua without eligibility for parole and to pay complainant AAA the amount of P75,000.00 as moral damages, P75,000.00 as civil indemnity and P25,000.00 as exemplary damages.^[6]

Accused-appellant filed an appeal before the Court of Appeals.

In its assailed Decision, the Court of Appeals denied accused-appellant's appeal. According to the appellate court, AAA's straightforward testimony satisfactorily established the elements of rape: AAA testified that the accused-appellant had carnal knowledge of her by forcibly laying her down on the floor, inserting his penis into her vagina, and threatening to kill her if she made a sound, and that she tried to push accused-appellant away but did not succeed. AAA's positive testimony thus prevailed over accused-appellant's plain denial.

The Court of Appeals ultimately affirmed with modification the RTC Decision dated November 15, 2011 as follows:

ACCORDINGLY, the appeal is **DENIED**. The assailed Decision dated November 15, 2011 is **AFFIRMED WITH MODIFICATION**. The awards of moral damages and civil indemnity are **REDUCED** from P75,000.00 to P50,000.00, each. The award of exemplary damages is **INCREASED** from P25,000.00 to P30,000.00.^[7]

Hence, the present appeal.^[8]

Accused-appellant and plaintiff-appellee adopted their respective briefs before the Court of Appeals.^[9] Accused-appellant reiterates the following assignment of errors on the part of the RTC, and subsequently also of the Court of Appeals:

I

THE TRIAL COURT GRAVELY ERRED IN CONVICTING THE ACCUSED-APPELLANT OF THE CRIME CHARGED ALTHOUGH HIS GUILT HAS NOT BEEN PROVEN BEYOND REASONABLE DOUBT.

II

THE TRIAL COURT GRAVELY ERRED IN GIVING FULL CREDENCE TO THE TESTIMONIES OF THE PROSECUTION WITNESSES DESPITE THEIR PATENT INCONSISTENCIES.^[10]

Accused-appellant claims that the RTC gravely erred in giving credence to AAA's testimony despite numerous inconsistencies and contradictions in her testimony. He points out that the complainant claimed that there were a number of people in the park who saw them together at the time of the incident. Even the prosecution witnesses, Borja and Garlitos, narrated that they merely saw accused-appellant with AAA at the park. He additionally highlights AAA's failure to immediately inform her parents that she was raped by accused-appellant.

We find no merit in accused-appellant's contentions; hence, his appeal must be denied, subject to modification as to the amount of damages as shall hereafter be discussed.

In resolving this case, we refer to the time-tested principles in deciding rape cases, to wit:

In the review of rape cases, we continue to be guided by the following principles: (1) an accusation for rape can be made with facility; it is difficult to prove but more difficult for the person accused, though innocent, to disprove; (2) in view of the nature of the crime of rape where only two persons are usually involved, the testimony of the complainant is scrutinized with extreme caution; and, (3) the evidence for the prosecution stands or falls on its own merits and cannot be allowed to draw strength from the weakness of the defense. Thus, in a prosecution for rape, the complainant's credibility becomes the single most important issue.^[11] (Citation omitted.)

Taking into consideration the aforementioned principles, we have carefully reviewed the records of this case and saw no compelling reason to reverse or modify the factual findings of the RTC, particularly since the Court of Appeals had affirmed the same with modification only as to the amount of damages awarded to AAA.

We will not disturb the weight and credence accorded by both the RTC and the Court of Appeals with respect to AAA's testimony. When it comes to credibility, the assessment by the trial court deserves great weight, and even conclusive and binding effect, unless the same is tainted with arbitrariness or oversight of some

fact or circumstance of weight and influence. Since it had the full opportunity to observe directly the deportment and the manner of testifying of the witnesses before it, the trial court is in a better position than the appellate court to properly evaluate testimonial evidence. The rule finds an even more stringent application where the Court of Appeals sustained said findings,^[12] as in this case.

The records of this case clearly bear out that accused-appellant had carnal knowledge of AAA through the use of force, threat, and intimidation. AAA categorically narrated that accused-appellant had inserted his penis into her vagina against her will, thus:

PROSECUTION:

Q: Now, after meeting Junjun, did you go somewhere else?

A: He invited me x x x to go to plaza, sir.

Q: And did you accede with his invitation?

A: No, sir.

Q: And so when you turned down his invitation what if any [did] Junjun do?

A: He asked me if I want to go to the public market, sir.

Q: And what was your reply?

A: I did not accede, sir.

Q: And when you again declined the offer of Junjun, what if any did Junjun do?

A: He [held] me and brought me to the public market, sir.

Q: By the way, if that Junjun is in court, will you please identify?

A: Yes, sir, he is the one. (Witness pointing to a man who previously entered the courtroom wearing a green choleko (sic) and when asked by the Court Interpreter he gave his name as Renato Galuga y [Wad]-as).

Q: You said a while ago [that] when you refused to go [to] the public market, the accused held your arms[.] [W]hat next did he do aside from holding your arms?

A: He pulled me and brought me to the public market, sir.

Q: And did you not resist when he pulled you?

A: I resisted, sir, but he [was] stronger than me.

Q: [Were] there other people around when the accused pulled you?

A: There were, sir.

Q: How many?

A: About twelve (12) persons, sir.

Q: And did you not shout, AAA?