

## **SECOND DIVISION**

**[ G.R. No. 218571, June 03, 2019 ]**

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ALLAN  
SISCAR Y ANDRADE, ACCUSED-APPELLANT.**

### **DECISION**

**LAZARO-JAVIER, J.:**

#### **The Case**

This appeal assails the Decision<sup>[1]</sup> dated July 31, 2014 of the Court of Appeals affirming the trial court's verdict<sup>[2]</sup> of conviction against appellant for rape.

#### **The Information**

By Information dated March 18, 2008,<sup>[3]</sup> appellant Allan Siscar y Andrade was charged with rape, as follows:

That on or about the 15<sup>th</sup> day of March, 2008, at 4:00 o'clock in the afternoon, more or less, at Sitio XXX, Barangay YYY, Municipality of ZZZ, Province of Oriental Mindoro, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused with lust, lewd and unchaste desire and by means of force, violence and intimidation, did then and there willfully, unlawfully and feloniously have carnal knowledge of one AAA, a seventeen (17) year-old minor, against her will and without her consent, to the damage and prejudice of said AAA.<sup>[4]</sup>

The case was raffled to the Regional Trial Court, Branch 40, Calapan City, Oriental Mindoro.

#### **The Proceedings before the Trial Court**

On arraignment, appellant pleaded not guilty.<sup>[5]</sup> During the trial, seventeen year old AAA,\* her father BBB, and Dr. Edelina F. Munoz-Bae testified for the prosecution. On the other hand, appellant Allan Siscar y Andrade alone testified for the defense.

#### **The Prosecution's Version**

AAA testified that in the afternoon of March 15, 2008, she and her father BBB arrived at Barangay YYY, Municipality of ZZZ, Province of Oriental Mindoro. They went there to join her group do a house to house solicitation for their attendance and participation in the then forthcoming International Youth Congress.<sup>[6]</sup> Appellant's house was among those she visited.<sup>[7]</sup> After completing her task, she took the road along the cemetery and walked toward the group's designated

meeting place. As she was walking, however, something hit her head from behind, thrusting her to the ground. Then she felt someone punch her twice in the stomach.

[8] It was appellant.[9]

He dragged her to a grassy area, forced her to lie down, and undressed her.[10] She tried to shout but he covered her mouth and punched her again in the stomach.[11] He removed his *maong* short pants and white t-shirt, inserted his penis in her vagina and made pumping motions while kissing her lips and mashing her breast.[12] He also forced his penis into her mouth, kissed her breast, licked her private part, and spat in her mouth.[13]

After appellant left, she put on her clothes and proceeded to the group's meeting place. Her father was there waiting.[14] After telling her father about the incident, they immediately went to the police.[15] A police officer readily responded and accompanied them to appellant's house but he was nowhere in sight. Outside, she noticed a pair of *maong* short pants hanging on the clothesline. She at once recognized it was the same *maong* short pants appellant wore when he raped her.[16] From appellant's house, they rushed to the hospital for her physical examination.[17]

BBB testified that on the day of the incident, he was waiting for his daughter AA A to complete her solicitation task.[18] She later came to him crying, her hair was disheveled, her arms and elbows scratched, her clothes dirty and bloodstained on the back.[19] She told him she got raped. He immediately brought her to the police station.[20] They searched for appellant but did not find him.[21] AAA underwent medical examination.[22]

Dr. Edelina F. Muñoz-Bae testified that her physical examination of AAA yielded findings of contusions and abrasions on AAA's lower back, hematoma on her left shoulder, evident signs of injuries in her genitals, and a stellate-shaped hymenal laceration.[23] Her medical report bore the following findings, viz.:

#### General Physical Examination:

xxx

(+) contusion-abrasion, lower back, (+) hematoma, left shoulder

#### Genital Examination:

Pubic hair, fully grown, scanty. Labia majora, gaping, Labia minora, coaptated. Fourchette lax; Vestibular mucosa, pinkish from 3:00 to 9:00 o'clock positions. Hymen, measures @ 2cm in length, thick, with stellate shaped laceration, edges are pinkish and edematous. Hymenal orifice, measures @ 2.0 cm in diameter. Vaginal walls, tight. Rugosities, prominent.

#### Conclusions:

1. Evident signs of extragenital injuries were noted on the body of the subject at the time of examination.
2. Stellate-shaped hymenal laceration, present.

xxxx<sup>[24]</sup>

### **The Defense's Version**

Appellant claimed that on the date and time AAA got raped, he was in Sabang, Puerto Galera, working.<sup>[25]</sup> He received his pay around 4 o'clock in the afternoon and got home two hours later.<sup>[26]</sup>

On March 17, 2008, while he was in Puerto Galera, his wife texted him that he was a suspect in a rape case.<sup>[27]</sup> He immediately went to the police station to inquire about the case. There, he was taken in custody and no longer allowed to leave.<sup>[28]</sup> He saw AAA for the first time when she came to the police station.<sup>[29]</sup> She initially identified another detainee as her assailant but later pointed him out after the guard disclosed he was Allan Siscar.<sup>[30]</sup> The *maong* short pants hanging on the clothesline belonged to him but the same went missing the day after the incident.<sup>[31]</sup>

### **The Trial Court's Ruling**

By Decision<sup>[32]</sup> dated November 26, 2012, the trial court rendered a verdict of conviction, thus:

Accordingly, finding herein accused Allan Siscar y Andrade **GUILTY** beyond reasonable doubt of the crime of Rape punishable under Article 266-A of the Revised Penal Code, said accused is hereby sentenced to suffer the penalty of **Reclusion Perpetua** with all the accessory penalties as provided for by law.

Said accused is hereby directed to indemnify the private complainant the amount of One Hundred Thousand Pesos (P100,000.00) as civil indemnity, Seventy Five Thousand Pesos (P75,000.00) as moral damages and Fifty Thousand Pesos (P50,000.00) as exemplary damages.

SO ORDERED.

The trial court gave full credence to AAA's straightforward and categorical testimony and rejected appellant's denial and alibi. According to the trial court, it was not physically impossible for appellant to have been at the *locus criminis* on the date and time in question. It sentenced him to *reclusion perpetua* with all the accessory penalties. It further directed him to pay complainant P100,000.00 as civil indemnity, P75,000.00 as moral damages, and P50,000.00 as exemplary damages.

### **The Proceedings before the Court of Appeals**

On appeal, appellant faulted the trial court for finding him guilty of rape despite AAA's alleged failure to clearly, directly, and spontaneously identify him as the assailant. He stressed that since the supposed *locus criminis* was adjacent to the

road and numerous residential houses, it was highly improbable for people not to have come to help complainant, if truly she got raped there.

In refutation, the Office of the Solicitor General (OSG), through Assistant Solicitor General Reynaldo L. Saldares and Associate Solicitor Ron Winston A. Reyes averred that AAA positively identified appellant as the one who sexually ravished her near the cemetery around 4 o'clock in the afternoon of March 15, 2008. The trial court found her testimony credible in contrast with appellant's unsubstantiated, nay, inherently weak denial and alibi.

In its assailed Decision dated July 31, 2014, the Court of Appeals affirmed. It found that AAA did not identify appellant solely on the basis of the *maong* short pants she saw on the clothesline outside his house. It concurred with the trial court's finding that she positively identified appellant as the predator who sexually violated her. She clearly recognized him because earlier that day, she went to his house and personally saw appellant there. She even handed a solicitation letter to his wife.

### **The Present Appeal**

Appellant now seeks affirmative relief from the Court and prays anew for his acquittal. In compliance with Resolution<sup>[33]</sup> dated August 5, 2015, both the OSG and appellant manifested that, in lieu of supplemental briefs, they were adopting their respective briefs filed before the Court of Appeals.<sup>[34]</sup>

### **Issue**

Did the Court of Appeals err in affirming appellant's conviction for rape?

### **Ruling**

The appeal must fail.

AAA recounted in detail how appellant sexually violated her around 4 o'clock in the afternoon of March 15, 2008 in a grassy area near the cemetery, *viz*:

COURT:

Q: By the way, will you please tell this Court how the accused Allan Siscar raped you?

A: **I was then about to go to our group meeting place when somebody hit my head near the cemetery, Your Honor.**

XXXX

Q: And you lost consciousness?

A: **I initially felt dizzy then I fell down and the accused then delivered two punches on (sic) my abdomen.**

Q: **And did you recognize who was that person who did that to you?**

A: **Yes, Your Honor.**

Q: **And who was he?**

A: **Allan Siscar.**

Q: The accused in this case?

A: Yes, Your Honor.

Q: **And how come that you knew the accused?**

A: **Because I vividly saw his face.**

Q: **Do you know him personally?**

A: **I did not know him personally although I gave him a solicitation paper previously.**

XXXX

Q: Now, according to you, you were boxed two (2) times at (sic) your abdomen by the accused. What happened next after that?

A: **He thereafter dragged me to a grassy area.**

XXXX

Q: **xxx. What else happened after that?**

A: **He made me lie down and undressed me.**

XXXX

Q: Did you shout?

A: Yes, but the accused was covering my mouth, Your Honor.

XXXX

Q: So after you were undressed, then the accused undressed himself, is that what you mean?

A: Yes, Your Honor.

XXXX

Q: **What were you doing while he was removing his T-shirt, shorts and brief?**

A: **I was still on a lying position because of too much weakness since the accused again boxed me on my stomach.**

PROS. DOLOR:

Q: **What happened next, Madam Witness, after you felt weak after the accused boxed you again on your stomach?**

A: **He inserted his sex organ, sir.**

COURT:

Q: **Where?**

A: **To my sex organ, Your Honor.**

Q: **What did the accused do after he inserted his sex organ in your sex organ?**