

SECOND DIVISION

[G.R. No. 225339, July 10, 2019]

**PEOPLE OF THE PHILIPPINES PLAINTIFF-APPELLEE, V.
[REDACTED] ACCUSED-APPELLANT.**

DECISION

LAZARO-JAVIER, J.:

The Case

This appeal assails the Decision^[1] dated June 4, 2015 of the Court of Appeals (CA) in CA-G.R. CR HC No. 06066, affirming the verdict of conviction against appellant for rape, with modification of the monetary awards and inclusion of the proviso on appellant's ineligibility for parole.

The Proceedings Before the Trial Court The Charge

Appellant XXX was charged with rape under Article 266-A of Republic Act No. (RA) 8353,^[2] in relation to RA 7610,^[3] viz.:

That on or about three o'clock in the morning of January 13, 2004 x x x Camarines Sur, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, being the uncle of the private complainant, hence, a relative within the third civil degree of consanguinity, by means of force and intimidation, did then and there, willfully, unlawfully and feloniously have carnal knowledge with AAA, a sixteen-year old minor, against her will, to her damage and prejudice.

ACTS CONTRARY TO LAW.^[4]

The case was raffled to the Regional Trial Court - Br. 35, Iriga City. On arraignment, appellant pleaded "not guilty."

During the trial, AAA, her mother BBB, Dr. Marie Anne Ng-Hua, PO2 Andrew Alcomendas, and social worker Guadalupe Bisenio testified for the prosecution. On the other hand, appellant and his sister CCC testified for the defense.

The Prosecution's Version

AAA testified that appellant was her uncle, brother of her mother BBB. He used to live with them in their residence. On January 13, 2004, around 3 o'clock in the morning, AAA was sleeping beside her three younger brothers when she felt a person on top of her. She realized she had already been undressed and the person on top of her, a man, was making a push and pull movement, his penis inside her vagina. She struggled but the man pinned her down. He continued to ravish her for about two (2) more minutes until she eventually managed to kick him off. He stood

up and threatened to kill her parents if she reported the incident. She recognized it was appellant's voice. She was sixteen (16) years old at that time.

BBB testified that in the morning of January 13, 2004, she turned on the fluorescent light and saw appellant moving her youngest child then sleeping with AAA on the same bed. She asked what he was doing. He said he was just moving the children so they would not fall off the bed. She became suspicious because he was perspiring despite the cold weather.^[5]

She later instructed AAA to come home from school by noontime. When AAA arrived, she asked her what happened earlier. AAA started to cry and admitted she had been raped. They reported the incident to the barangay captain^[6] who contacted the police to have the incident blottered. The barangay captain then advised BBB to bring AAA to the hospital for examination.^[7]

On January 19, 2004, BBB and AAA went to the Department of Social Welfare and Development (DSWD). There, Bisenio prepared a letter-request for AAA's medical examination. They brought the letter to the Bicol Medical Hospital where Dr. Ng-Hua examined AAA and issued a medical certificate with findings of hymenal lacerations at the 3, 6 and 9 o'clock positions. They returned to Bisenio for assistance in filing a complaint against appellant.^[8]

The prosecution offered the following documentary exhibits: AAA's birth certificate, Dr. Ng-Hua's medical certificate, letter-request for medical check-up, and AAA's DSWD data record.^[9]

The Defense's Evidence

Appellant denied the charge. He testified that in the early morning of January 13, 2004, he woke up to the cries of one of his nephews who was sleeping in the same room shared by other members of the family including himself. He stood up and realized AAA's leg was draped over her younger brother's stomach. It was the reason why his nephew was crying. He then tapped AAA's leg to prompt her to move.^[10]

About the same time, BBB focused light on appellant's designated sleeping area and found it vacant. BBB proceeded to where AAA was sleeping and woke her up. BBB then told AAA to transfer to another room.^[11]

The following day, village officials came to fetch him at the coprasan of his sibling CCC. They took him to the barangay hall. There, he was informed of the rape charge against him. He denied it, claiming he was falsely charged because of a family dispute concerning a corn plantation.^[12]

CCC corroborated appellant's testimony regarding his arrest. She said she was present during the confrontation at the barangay hall.^[13]

The Trial Court's Ruling

The trial court rendered a verdict of conviction as borne by its Judgment dated January 21, 2013, viz.:

WHEREFORE, finding accused XXX guilty beyond reasonable doubt of rape, defined under Article 266-A and penalized under Article 266-B, all of the [Revised Penal Code], said accused is hereby sentenced to suffer a prison term of reclusion perpetua and to pay unto private complainant [xxx] P75,000 as civil indemnity; P75,000 as moral damages and; P30,000 as exemplary damages.

SO ORDERED, (words in brackets added)^[14]

The trial court gave credence to AAA's factual narration and her positive identification of appellant as the man who sexually ravaged her. It rejected appellant's defense of denial.

The Proceedings Before the Court of Appeals

On appeal, appellant faulted the trial court for rendering a verdict of conviction against him despite the alleged leading questions asked of AAA, her inconsistent answers, and the improbable scenario that her three (3) younger brothers were not roused from sleep while rape was being committed in their presence.^[15]

The Office of the Solicitor General (OSG), through Assistant Solicitor General Marissa Macaraig-Guillen and State Solicitor Jayrous L. Villanueva defended the verdict of conviction. The OSG maintained that AAA's testimony was firmly corroborated by BBB and Dr. Ng-Hua. The alleged inconsistencies in AAA's testimony did not dwell on the elements of the crime, hence, did not diminish her credibility.^[16]

The Court of Appeals' Ruling

The Court of Appeals affirmed with modification, *viz.*:

WHEREFORE, premises considered, the instant appeal is DENIED. The assailed January 21, 2013 Judgment is MODIFIED in that:

- (1) Appellant XXX shall not be eligible for parole; and
- (2) Appellant XXX is ORDERED to pay interest at the legal rate of six percent (6%) per annum on all monetary awards from the date of finality of this judgment until fully paid.

SO ORDERED.

The Present Appeal

Appellant now seeks affirmative relief from the Court and prays anew for his acquittal. In compliance with Resolution dated August 17, 2019,^[17] both appellant and the OSG manifested that, in lieu of supplemental briefs, they were adopting their respective briefs before the Court of Appeals.^[18]

Issue

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

Ruling

We affirm.

Rape is defined and penalized under Article 266-A of the Revised Penal Code, as amended by RA 8353, viz.:

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;

c) By means of fraudulent machination or grave abuse of authority; and

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

The Information charged appellant with rape under Article 266-A(1)(a), as amended. It requires the following elements: (1) accused had carnal knowledge of a woman; and, (2) he accompanied such act by force, threat, or intimidation.^[19]

AAA narrated in detail her harrowing experience of forced, nay, unwanted sexual congress with appellant, her uncle:

x x x x

Q Now, do you recall where were you on January 13, 2004 at around 3:00 o'clock early in the morning?

A Yes, sir.

Q Where were you?

A I was at our house sir.

x x x x

Q While there on said date time and place what happened if any?

A I was sleeping sir.

Q That's why while sleeping what unusual incident happened if any?

A I felt that someone on topped (sic) of me.

Q And when you noticed that someone is (sic) on top of

you, what was this person doing to you if any?
A He was making sexual intercourse with me.

X X X X

THE COURT:

Before that.
What were you wearing at that very moment?

THE WITNESS:

I was wearing short pants and a blouse Your Honor.

THE COURT:

What happened to your short pants and blouse while that person was having sexual (sic) intercourse with you?

THE WITNESS:

It was already removed Your Honor. I was already undressed Your Honor.

THE COURT:

Okey.
You mean the short pants and blouse were already removed from your body?

THE WITNESS:

Yes, Your Honor.

THE COURT:

Okey.

PROS. RAMOS:

Q How about your panty?

A It was also removed sir.

Q So, sensing or noticing that someone is having sexual intercourse with you, what did you do?

A I was awoken (sic) and he was on topped (sic) of me and I pushed him, sir.