

SECOND DIVISION

[G.R. No. 219170, November 13, 2019]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ABC,^[1]
ACCUSED-APPELLANT.**

D E C I S I O N

A. REYES, JR., J.:

On appeal is the Decision^[2] dated November 28, 2013 (Assailed Decision) of the Court of Appeals (CA) in CA-G.R. CR-H.C. No. 05457, affirming with modification the Decision^[3] dated February 20, 2012 of the Regional Trial Court of Quezon City (RTC) in Criminal Case No. Q-08-152344. The RTC found accused-appellant ABC guilty beyond reasonable doubt of the crime of rape in relation to Republic Act (R.A.) No. 7610 and sentenced him to suffer the penalty of *reclusion perpetua* and to pay the victim, AAA,^[4] the amount of P50,000.00 as civil indemnity and P50,000.00 as moral damages.

Factual Antecedents

On May 30, 2008, ABC was charged before the RTC with the crime of rape in relation to R.A. No. 7610, which was eventually raffled to and heard by Branch 94.^[5] The Information reads:

That on or about the 26th day of May, 2008, in Quezon City, Philippines, the above-named accused, by means of violence and intimidation, did then and there willfully, unlawfully, and feloniously have carnal knowledge with AAA, 14 years old, a minor, against her will and without her consent, to the damage and prejudice of the said offended party.

CONTRARY TO LAW.^[6]

On November 17, 2008, ABC was arraigned and pleaded not guilty to the charge. On February 24, 2009, pre-trial was held. The parties stipulated on and admitted: (1) the jurisdiction of the court over ABC; (2) the identity of ABC; and (3) the minority of private complainant AAA. Trial on the merits ensued.^[7]

The prosecution presented the following witnesses: (1) AAA; (2) BBB, mother of AAA; (3) Dr. Editha Martinez (Dr. Martinez); (4) Barangay Public Safety Officer (BPSO) Jesus Estanislao (Estanislao); and (5) BPSO Elmer Sacayan (Sacayan).^[8]

The prosecution, through the Office of the Solicitor General, synthesized the testimony of AAA as follows:

On May 26, 2008, about 7:00 in the morning, private complainant AAA was sleeping alone in her room at their house in [REDACTED]. Around 7:45 in the morning, private complainant was awakened when she felt somebody embracing her. Private complainant panicked and called to her mother for help by shouting "Nanay!" "Nanay!" However, before she could rouse anyone to her aid, her assailant (later identified as [ABC]) covered her mouth and held her left breast with his other hand, which effectively halted her efforts to escape.

As [ABC] gripped her body as she laid sideways, private complainant felt [ABC] lowering her shorts and panty. She could not struggle against him in their position because [ABC's] leg pinned down her left thigh. Private complainant felt [ABC] inserting his penis inside her vagina. Private complainant felt pain since it was her first time to experience sexual intercourse. She was sure that it was [ABC] who sexually assaulted her because the room was well-lighted and before he left, he turned his face to her.

After raping private complainant, [ABC] left her crying inside the room. When private complainant's grandmother, CCC arrived back home around noon time, she noticed her granddaughter crying. Upon confronting private complainant, the latter revealed that [ABC], who was their family boarder, raped her. Furious, [CCC], together with private complainant's mother, BBB, and other relatives, proceeded to the Barangay Hall, then to Police Station 8 in Quezon City, before going to Camp Crame. There, private complainant was subjected to a medico-legal examination. Private complainant and her family then proceeded to file the present case against [ABC].^[9]

BBB, mother of AAA, then took the witness stand. She said that AAA has been under the care of CCC since AAA was just a child. BBB often visited AAA as she lives nearby. On May 26, 2008 she proceeded to CCC's house at [REDACTED]. Upon arriving at said place, she saw that there was a commotion. Her brother, DDD, was shouting that AAA was raped. They went to the Barangay Hall where AAA narrated the incident. From the Barangay Hall, they proceeded to Police Station 8 where AAA gave her statement. AAA was then made to undergo a medico-legal examination.^[10]

Dr. Martinez next testified for the prosecution. She narrated that she subjected AAA to medical examination. She found no lacerations/tears in AAA's hymen but based on the background, she concluded in her Medico-Legal Report that her "medical evaluation cannot exclude sexual abuse."^[11]

The prosecution also presented BPSOs Sacayan and Estanislao. BPSO Estanislao testified that on May 26, 2008, at around 10:00 in the morning, he received a telephone call from a female caller who told him that her granddaughter was raped. After getting the details, he and BPSO Sacayan proceeded to the place where the incident allegedly happened. Along the way, they met AAA and BBB. The BPSOs brought AAA and BBB to the Barangay Office. There, AAA disclosed that she was raped by their boarder, ABC. After a few minutes, ABC, accompanied by other barangay officials, arrived at the Barangay Office. It was then when AAA pointed to ABC as the person who raped her. The BPSO had the incident recorded in the

barangay blotter. They brought AAA, BBB, and ABC to Police Station 8.^[12]

After the completion of the respective testimonies of the prosecution witnesses, the prosecution formally offered the following documentary exhibits: (1) *Sinumpaang Salaysay* of AAA; (2) *Pinagsamang Salaysay* of BPSOs Sacayan and Estanislao; (3) Initial Medico-Legal Report dated May 26, 2008; (4) Birth Certificate of AAA; (5) Medico-Legal Report No. R-08-1224 dated May 29, 2008; and (6) Request for Physical and Genital Examination dated May 26, 2008.^[13]

On September 21, 2010, the RTC issued an Order admitting the prosecution's documentary exhibits.^[14]

For its part, the defense presented as its witness ABC, Anastacia Benzon (Benzon), and Josefa Jebulan (Jebulan).^[15]

The RTC summarized ABC's testimony as follows:

[O]n the night of May 25, 2008, [ABC] slept in their rented room in Bagumbayan, Quezon City together with his live-in partner Lorafe Tuscano. He woke up at around [6:00] in the morning and took a bath. He then proceeded to their house located at 159 San Juan St., Mayamot, Antipolo City because his mother told him to fix the wooden bed of his sister [EEE]. He boarded a bicycle and it took him forty[-]five (45) minutes to reach their house. He arrived in their house at 7:00 in the morning. His mother, sister [EEE], nephews and nieces were in their house when he arrived. He also saw Tessie and Relyn Venzon. He started fixing [EEE]'s bed at around 8:00 a.m. He finished his work at 9:00 a.m. He received a phone call from the cousin of AAA who told him that he has an important thing to tell him. [ABC] went back to Bagumbayan and arrived at 11:30 a.m. When he arrived in Bagumbayan, AAA's cousin and a barangay official told him to proceed to the barangay office. He and his live-in partner went to the barangay office [where] he gave his statement. He was brought to the police [station] and was immediately detained.^[16]

Benzon and Jebulan, both neighbors of ABC's mother, successively testified and corroborated ABC's testimony.^[17]

Thereafter, the defense rested its case. No documentary exhibits were presented and formally offered.^[18]

RTC Decision

On February 20, 2012, the RTC rendered a Decision^[19] finding ABC guilty beyond reasonable doubt of the crime of rape in relation to R.A. No. 7610 and was sentenced to suffer the penalty of *reclusion perpetua*. The dispositive portion reads:

WHEREFORE, premises considered, the Court finds accused ABC GUILTY beyond reasonable doubt of the crime of Rape in relation to R.A[.] 7610 and is sentenced to suffer the penalty of Reclusion Perpetua.

[ABC] is likewise ordered to pay [AAA] P50,000.00 as civil indemnity and 50,000.00 as moral damages.

SO ORDERED.^[20]

ABC then appealed the RTC Decision to the CA.^[21]

CA Decision

On November 28, 2013, the CA rendered the Assailed Decision affirming with modification the RTC Decision. The dispositive portion reads:

WHEREFORE, the 20 February 2012 [Decision] of Branch 94, Regional Trial Court (RTC) of Quezon City is **AFFIRMED** with **MODIFICATION** as to the penalty imposed. [ABC] is found **GUILTY BEYOND REASONABLE DOUBT** for the crime of Rape in relation to Republic Act No. 7610 and is sentenced to an indeterminate prison term of fourteen (14) years and eight (8) months of prison mayor as minimum to seventeen (17) years, four (4) months and one (1) day of reclusion temporal as maximum.

The rest of the assailed Decision, including the award of P50,000.00 as moral damages and P50,000.00 civil indemnity stands.

SO ORDERED.^[22] (Emphasis in the original)

Hence, the present recourse.

On September 9, 2015, the Court issued a Resolution requiring the parties to file their respective supplemental briefs, if they so desire, within 30 days from notice, among others.^[23]

In a Manifestation and Motion^[24] dated January 25, 2016, the prosecution relayed that it would no longer file a supplemental brief. Likewise, in a Manifestation (In Lieu of Supplemental Brief)^[25] dated February 4, 2016, ABC, through the Public Attorney's Office, relayed that he would no longer file a supplemental brief.

ABC argues that (1) the RTC gravely erred in giving credence to AAA's testimony; (2) the RTC gravely erred in finding him guilty of the crime charged despite the prosecution's failure to prove his guilt beyond reasonable doubt; and (3) assuming arguendo that ABC is guilty of the crime charged, the RTC meted the wrong penalty and failed to apply the Indeterminate Sentence Law.^[26]

Meanwhile, the prosecution maintains that (1) it was able to prove beyond reasonable doubt that ABC committed rape against AAA and as such, the RTC properly convicted him of the crime charged; (2) ABC's denial and alibi cannot prevail over AAA's positive testimony that he raped her; (3) the RTC correctly convicted ABC of rape under the Revised Penal Code (RPC); and (4) the findings of the RTC on the credibility of the witnesses should be upheld.^[27]

The Issues

As raised by ABC, the following are the issues for the resolution of the Court:

I.

Whether or not the RTC gravely erred in giving credence to AAA's testimony.

II.

Whether or not the RTC gravely erred in finding him guilty of the crime charged despite the prosecution's failure to prove his guilt beyond reasonable doubt.

III.

Whether or not the RTC meted the wrong penalty and failed to apply the Indeterminate Sentence Law assuming *arguendo* that ABC is guilty of the crime charged.

Ruling of the Court

The instant appeal is not meritorious.

As to the first issue, ABC contends that "[a] close scrutiny of [AAA's] narration of her alleged ordeal would reveal that it was ambiguous, unnatural, and inconsistent with human nature and the normal course of things."^[28]

The Court is not persuaded.

Time and again, the Court emphasized that given its intimate nature, rape is a crime commonly devoid of witnesses.^[29] By and large, the victim will be left to testify in relation to the charge.^[30] Accordingly the credibility of the victim becomes a crucial consideration in the resolution of rape cases.^[31] The oft-repeated rule is that the testimony of the victim passes the test of credibility when it is straightforward, convincing, and consistent with human nature and the ordinary course of things, without any material or significant inconsistency.^[32] The conviction of the accused may solely rely thereon.^[33] It is worthy to note that inconsistencies, especially when relating to trivial matters that do not change the fundamental fact of the commission of rape, do not impair the credibility of the testimony.^[34] In this regard, the trial court's assessment of the credibility of witnesses is given great weight, not to mention deemed conclusive and binding.^[35]

As explained in *People v. Sapigao, Jr.*,^[36] the trial court is in the best position to evaluate the credibility of the witnesses and their testimonies because it has the unique opportunity to observe the witnesses firsthand and to note their demeanor, conduct, or attitude under examination, thus:

It is well settled that the evaluation of the credibility of witnesses and their testimonies is a matter best undertaken by the trial court because of its unique opportunity to observe the witnesses firsthand and to note