

THIRD DIVISION

[G.R. No. 202863, February 21, 2018]

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ISIDRO RAGASA STA. ANA ALIAS "NONOY," ACCUSED-APPELLANT.

DECISION

MARTIRES, J.:

This resolves the appeal of accused-appellant Isidro Ragasa y Sta. Ana alias "Nonoy" from the 8 September 2011 Decision^[1] of the Court of Appeals (CA), Nineteenth Division, in CA-G.R. CR HC No. 00463 affirming with modification his non-eligibility for parole and the amount of damages to be awarded to the victim; and from the 12 January 2006 Judgment^[2] of the Regional Trial Court, Branch 63, Bayawan City, Negros Oriental (RTC), convicting him of Rape under Articles (Art.) 266-A and 266-B of the Revised Penal Code.

THE FACTS

Accused-appellant was charged with rape in an Information^[3] docketed as Criminal Case No. 16131, the accusatory portion of which reads:

That at about 9:00 o'clock in the morning of March 10, 2000, in Negros Oriental, within the jurisdiction of this Honorable Court, while the 13 year-old minor AAA, born on was inside her house, the accused threatened said minor with a hunting knife, covered her mouth with a cloth and tied her hands with some kind of a cord and then forcibly had sexual intercourse with her against her will, to her great damage and prejudice.

CONTRARY TO LAW.

With the assistance of his counsel, accused-appellant pleaded not guilty when arraigned;^[4] hence, trial on the merits ensued.

To prove its case, the prosecution placed on the witness stand AAA, her brother BBB, and Dr. Rosita Muñoz (*Dr. Muñoz*), the municipal health officer of Negros Oriental.

Accused-appellant and Vicente Montoya (*Montoya*) testified for the defense.

The Version of the Prosecution

On 10 March 2000, at about 8:00 a.m., AAA's grandmother and mother left the house to sell banana cue. AAA, who was then thirteen years old, was left alone sleeping in the house as she was not feeling well. At about 9:00 a.m., AAA heard somebody trying to open the door to her room. As she was about to go to the door, it opened and she saw accused-appellant holding a knife. AAA was about to shout but the accused-appellant immediately covered her mouth with a cloth and tied her hands back with a rubber strip. The accused-appellant, known by AAA as Nonoy, told her not to tell anybody about it; otherwise, he would kill her.^[5]

The accused-appellant pulled up her t-shirt to her breasts, removed her shorts and underwear and then took off his t-shirt and shorts, and mounted her and had sexual intercourse four times. His lust satisfied, the accused-appellant untied her, pulled down her t-shirt, put her underwear and shorts back on her, and tied her hands again. Then he dressed himself and left through the window.^[6]

About noon of the same day, as BBB was on his way home after selling banana cue, his friend Dongking told him that Nonoy came out of their house through the window. BBB knew Nonoy because they became friends when Nonoy arrived from Manila.^[7]

When BBB got home, he found AAA alone with her hands tied. He untied her but she didn't say anything. Three days after the incident, AAA told her father and BBB at the municipal hall that Nonoy was the person responsible for what happened to her.^[8]

On 13 March 2000, AAA and her grandmother reported the incident to the police. On the same day, AAA was examined by Dr. Muñoz who thereafter issued a medical certificate on her findings.^[9] Although AAA was already in grade III when the incident happened, she didn't go back to school for several years as she was ashamed.^[10]

The Version of the Defense

Accused-appellant testified that on 10 March 2000 from 7:00 a.m. to 12:00 noon, he worked alone at the plantation of Eking Moleño^[11] (*Moleño*) cutting down sugarcane, then rested the whole afternoon. He and his father had been staying at the house of a certain Inting in Caranoche, Sta. Catalina, Negros Oriental, for almost two weeks. He admitted that his nickname was Nonoy and that he stayed in Manila prior to his stay in Caranoche. He said he did not know AAA, BBB or Dongking. He was arrested on 11 March 2000.^[12]

Montoya, nicknamed Inting, who stayed in a hut standing on a lot owned by Moleño at Caranoche, testified that on 10 March 2000, he stayed home because his knees were swollen. From the porch of his house, he saw accused-appellant cutting sugarcane on the lot of Moleño from 7:00 a.m. until 12:00 noon, and from 1:00 p.m. to 5:00 p.m. He claimed that the accused-appellant was staying at his house because he had nowhere else to go. He did not know AAA, BBB or Dongking.^[13]

The Ruling of the RTC

The RTC ruled that the accused-appellant's act of holding a knife to ensure carnal knowledge of AAA constitutes rape. It found AAA's testimony categorical, positive, straightforward, deserving of full faith and credit, and consistent with Dr. Muñoz's medical findings. On the other hand, the accused-appellant's alibi was uncorroborated and which cannot prevail over AAA's declarations that she was raped four times by the accused-appellant.^[14]

The RTC noted that the accused-appellant was charged with only one count of rape although AAA claimed that she was raped four times on 10 March 2000. The RTC deferred to the jurisprudence that there can only be one conviction for rape if the information charges only one offense, even if the evidence shows that more than one was in fact committed. Moreover, albeit AAA was alleged as a minor in the information, this fact, however, was never established. The RTC observed that attached to the records was a certificate of live birth^[15] bearing the name of AAA but which the prosecution failed to present during the hearing.^[16]

In view of its findings, the RTC resolved the charge against the accused-appellant as follows:

WHEREFORE, the prosecution having proved the guilt of the accused beyond reasonable doubt of the crime of **Rape**, defined and penalized under Articles 266-A and 266-B of the Revised Penal Code of the Philippines, respectively, accused Isidro Ragasa y Sta. Ana is **CONVICTED**, sentenced to imprisonment of **Reclusion Perpetua** and ordered to indemnify the victim AAA, the sum of **Fifty Thousand** (P50,000.00) pesos as **civil indemnity** and **Fifty Thousand** (P50,000.00) pesos, as **moral damages**.

SO ORDERED.

Asserting that the RTC erred in finding him guilty of rape, the accused-appellant appealed before the CA.

The Ruling of the CA

The CA held that the arguments raised by the accused-appellant in his brief failed to persuade. The CA accorded weight to the findings of the RTC as it had the unique opportunity to observe the demeanor of the witnesses, and was in the best position to discern whether they were telling the truth. It found the alleged inconsistencies in the testimony of AAA as trivial and do not relate to the elements of the crime. On the issues raised by the accused-appellant as to the medical findings of Dr. Muñoz, the CA ruled that the medical examination and the medical certificate were not indispensable elements for a conviction in a rape case as long as the victim's testimony was credible. Additionally, the bare denial of the accused-appellant failed to prevail over the positive identification and testimony of AAA.^[17]

The CA, however, found the need to modify the decision of the RTC since the use of a deadly weapon was alleged in the information; thus, the penalty to be imposed upon the accused-appellant should be *reclusion perpetua* without eligibility for parole. Likewise, it ruled that there was need to increase the civil indemnity and

award of moral damages from P50,000.00 to P75,000.00.^[18]

The CA decided accused-appellant's appeal as follows:

WHEREFORE, premises considered, the appeal is **DENIED**. The Judgment dated January 12, 2006, of the Regional Trial Court, Branch 63, Negros Oriental, in Criminal Case No. 070, is **AFFIRMED with MODIFICATION**, that accused-appellant Isidro Ragasa y Sta. Ana alias "Nonoy," is found **GUILTY** beyond reasonable doubt of the crime of rape committed against AAA, and is hereby sentenced to suffer the penalty of reclusion perpetua without eligibility for parole, and to pay AAA the amount of Seventy Five Thousand pesos (P75,000.00) as civil indemnity, and Seventy Five Thousand Pesos (P75,000.00) as moral damages.

SO ORDERED.^[19]

ISSUE

THE TRIAL COURT ERRED IN CONVICTING THE ACCUSED-APPELLANT OF THE CRIME OF RAPE DESPITE THE FACT THAT HIS GUILT WAS NOT PROVEN BEYOND REASONABLE DOUBT.

OUR RULING

The appeal is without merit.

The general rule that the findings of the trial court are binding upon the Court, finds application to the present case.

The assessment of the credibility of witnesses is a task most properly within the domain of trial courts.^[20] The general rule adopted by the Court as to the questions on the credibility of the witnesses have been to defer to the findings of the trial court especially if these had been affirmed by the appellate court, *viz*:

Time and again, this Court has held that questions on the credibility of witnesses should best be addressed to the trial court because of its unique position to observe the elusive and incommunicable evidence of witnesses' deportment on the stand while testifying which is denied to the appellate courts. Hence, the trial judge's assessment of the witnesses' testimonies and findings of fact are accorded great respect on appeal. In the absence of substantial reason to justify the reversal of the trial court's assessment and conclusion, as when no significant facts and circumstances are shown to have been overlooked or disregarded, the reviewing court is generally bound by the former's findings. The rule is

even more strictly applied if the appellate court has concurred with the trial court as in this case.^[21]

It is well-settled that in criminal cases, an examination of the entire records of a case may be explored for the purpose of arriving at a correct conclusion, as an appeal in criminal cases throws the whole case open for review, it being the duty of the appellate court to correct such error as may be found in the judgment appealed from, whether they are made the subject of the assignment of errors or not.^[22] In observance of this ruling, the Court has meticulously reviewed the records of this case but found nothing that would sustain a conclusion that the trial court and the appellate court have overlooked a material fact that, otherwise, would change the outcome of the case; or have misunderstood a circumstance of consequence in their evaluation of the credibility of the witnesses.^[23] For sure, the established guiding principles in reviewing rape cases, viz: (a) an accusation of rape can be made with facility; and while the accusation is difficult to prove, it is even more difficult for the person accused, although innocent, to disprove; (b) considering the intrinsic nature of the crime, only two persons being usually involved, the testimony of the complainant should be scrutinized with great caution; and (c) the evidence for the prosecution must stand or fall on its own merit and cannot be allowed to draw strength from the weakness of the evidence for the defense;^[24] and which had been carefully observed by the Court in this case, yet, it found no cogent reason to disturb the findings of fact of the trial court.

The guilt of the accused-appellant was established beyond reasonable doubt.

Jurisprudence dictates that in criminal cases, "proof beyond reasonable doubt" does not mean such degree of proof, excluding possibility of error, that produces absolute certainty; only "moral certainty" is required, or that degree of proof which produces conviction in an unprejudiced mind.^[25] Bearing in mind this teaching, it must be equally stressed that for a charge of rape under Article 266-A(1)^[26] of R.A. No. 8353^[27] to prosper, it must be proven that: (1) the offender had carnal knowledge of a woman, and (2) he accomplished such act through force or intimidation, or when she was deprived of reason or otherwise unconscious, or when she was under 12 years of age or was demented.^[28] The gravamen of rape under Article 266-A (1) is carnal knowledge of "a woman against her will or without her consent."^[29] "In rape cases alleged to have been committed by force, threat or intimidation, it is imperative for the prosecution to establish that the element of voluntariness on the part of the victim be absolutely lacking. The prosecution must prove that force or intimidation was actually employed by accused upon his victim to achieve his end. Failure to do so is fatal to its cause."^[30]

Records will confirm that the prosecution was able to establish beyond reasonable doubt that the accused-appellant had carnal knowledge of AAA against her will through threat and intimidation. Armed with a knife, the accused-appellant threatened AAA not to tell anyone, otherwise, he would kill her. To avoid any resistance on the part of AAA and to ensure that he would be able to successfully