

## THIRD DIVISION

[ G.R. No. 227311, September 26, 2018 ]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. JELMER  
MATUTINA Y MAYLAS AND ROBERT ROMERO Y BUENSALIDA,  
ACCUSED-APPELLANTS.**

### DECISION

**PERALTA, J.:**

On appeal is the November 3, 2015 Decision<sup>[1]</sup> of the Court of Appeals (CA) in CA-G.R. CR-HC No. 06124, which affirmed with modification the April 17, 2013 Decision<sup>[2]</sup> of Regional Trial Court (RTC), Branch 172, Valenzuela City, in Criminal Case No. 689-V-09, convicting accused-appellants Jelmer Matutina y Maylas (*Matutina*) and Robert Romero y Buensalida (*Romero*) of rape committed against AAA, a minor.<sup>[3]</sup>

On October 19, 2009, an Information was filed against accused-appellants Matutina and Romero for the crime of rape under Article 266-A, paragraph 1(a) of the Revised Penal Code (*RPC*), in relation to Republic Act (*R.A.*) No. 7610, committed as follows:

That on or about October 17, 2009 in Valenzuela City, Metro Manila and within the jurisdiction of this Honorable Court, the above-named accused, together with other person whose name, identity and present whereabouts still unknown, conspiring, confederating and mutually helping one another, with lewd design, by means of force and intimidation employed upon the person of one [AAA], 15 years old (DOB: October 16, 1994), did then and there willfully, unlawfully and feloniously have sexual intercourse with the said complainant/minor, against her will and without her consent, thereby subjecting said minor to sexual abuse which debased, degraded and demeaned her intrinsic worth and dignity as a human being.

CONTRARY TO LAW.<sup>[4]</sup>

In their arraignment, Matutina and Romero pleaded "not guilty."<sup>[5]</sup> Trial ensued while they were detained in the city jail.<sup>[6]</sup>

Presented as witnesses for the prosecution were AAA, Police Chief Inspector (*PCI*) Dean Cabrera, Marcos Ragasa, and Police Officer 2 (*PO2*) Aileen DC Roxas. Only Matutina and Romero testified for the defense.

### **Version of the Prosecution**

According to AAA, in the morning of October 17, 2009, she and three of her classmates agreed not to go to school ("cut class") and just converse in a billiard hall at the [REDACTED] in [REDACTED]. Her companions left at 10:00 a.m. She was supposed to follow them but could not go home because Matutina and his other companions – accused-appellant Romero, Jackson Lim, and a certain Oliver – got her school stuff. From 12 noon until 5:00 p.m., they drank Matador brandy at Oliver's house. As a result, she felt dizzy and did not know what she was doing. As she could recall, she woke up at around 8:00 p.m. and noticed that her face and arms were being cleaned up with a wet towel (*pinupunasan*) by Oliver's mother at the upper floor of their house. Together with two unknown women, they brought her downstairs and made her sit on a plastic chair as she tried to regain her consciousness. She heard that somebody wanted to escort her on the way home. They helped her board a tricycle but none of them went along. Instead, she was taken by Matutina, Romero, and Lim at the back of a house near a dark and grassy portion of the Manolo Compound. They made her lie down in a stony area and told her to keep quiet. Thinking to escape, she told them that she wanted to urinate. Romero and Lim, however, held her hands as Matutina took off her shorts and panty. Romero and Lim kissed and touched her breasts, while Matutina forced his penis into her vagina but was not able to place it inside due to her resistance. The three were not able to continue after they noticed the approaching *barangay captain* and *tanod* with flashlights. They ran away towards the grassy area. Only Matutina and Romero were eventually caught. She was boarded in the *barangay* patrol vehicle, examined by a medico-legal officer at Camp Crame, and taken to the police station for her sworn statement.

Ragasa, a *tanod* of *Barangay* [REDACTED] on duty around 8:00 p.m. on October 17, 2009, corroborated the testimony of AAA. He was patrolling with Antonio Angeles and Jovito Salonga when Angeles, the team leader, received a radio call from the *barangay* informing them that a female person was in the "*gulod*" together with male persons. As they reached the place, he saw a lady bag, then Matutina, Romero, and Lim who were running away from the scene, and, finally, AAA who was crying while in her school uniform. When Matutina was directed to come back, he voluntarily returned. Both Matutina and AAA were brought to Block 6 and then to the Women and Children Protection Desk of the Station Investigation Division (*SID*). PO2 Roxas was the one who took the *Sinumpaang Salaysay* of AAA. PO2 Roxas confirmed that even if she was accompanied by her grandmother, all her statements were her own personal answers.

PCI Cabrera, the Medico-Legal Officer of the Philippine National Police (*PNP*) Camp Crame, Quezon City, affirmed under oath the truth of his findings in Medico-Legal Report No. R09-1984 which "*shows clear evidence of blunt penetrating trauma to the posterior fourchette*" of AAA. He stated that the physical injuries and genitalia injuries could have been sustained within 24 hours from the time he examined AAA on October 18, 2009;<sup>[7]</sup> that the whole posterior fourchette was swollen;<sup>[8]</sup> and, that the presence of abrasion in the posterior fourchette would point to the blunt penetrating trauma of the female genitalia caused by contact with a blunt and hard object such as an erect penis or finger.<sup>[9]</sup>

### **Version of the Defense**

Matutina testified that he knows AAA because she used to stand by in their place and that he also knows Romero as his long time neighbor in Manolo Compound. In the morning of October 17, 2009, he saw AAA standing by in the billiard house. At night, he went to the "gulod" upon the invitation of Lim. He hanged out with Romero, Lim, and AAA but was not engaged in a drinking spree with them. He does not know of any reason why AAA would accuse him of committing rape against her.

On his part, Romero claimed that he was standing alone in front of their house around 8:00 a.m. on October 17, 2009. He saw AAA conversing with three companions at the nearby billiard hall until they eventually left. Around 3:00 p.m., he was asked by her sister-in-law to buy something from the store, which was approximately 30 meters away from their house. On the way thereto, he passed by AAA as she was having a drinking session at the house of Lim. He was invited to have a shot of Matador, but he refused and went home. Around 8:00 p.m., he went to Lim's house. Seeing no one drinking, he returned home. Back in the house, Lim approached him and asked to go with him to accompany AAA home. He agreed. Subsequently, Lim called AAA in his (Lim's) house and got a tricycle. AAA sat inside the tricycle and he (Romero) sat at the back of the driver. Lim did not ride the tricycle and told him that he would go ahead in the "labasan" or "gulod." When the tricycle reached the "gulod," he heard AAA say that she does not want to go home yet. He alighted from the tricycle and so did AAA as she told him that she would urinate. Then Matutina and Lim arrived. They were all surprised when suddenly there were persons shouting, "ano bakit ginaganyan nyo yan?" He was afraid so he ran back home. He denied having raped AAA as he did not even touch her. He is not aware if AAA had any personal grudge against him before the incident happened. He thinks though that AAA's grandmother threatened her.

The RTC convicted Matutina and Romero of the crime charged. The *fallo* of its Decision states:

WHEREFORE, the court finds the accused JELMER MATUTINA y MAYLAS a.k.a. BOYET and ROBERT ROMERO y BUENSALIDA a.k.a. OBET guilty beyond reasonable doubt as principals of the crime of rape under Art. 266-A, paragraph (1)(a) of the Revised Penal Code and in the absence of any modifying circumstance and applying the Indeterminate Sentence Law they are hereby sentenced to suffer the penalty of Reclusion Perpetua and to indemnify AAA in the amounts of P50,000.00 as civil indemnity, P50,000.00 as moral damages and P30,000.00 as exemplary damages[.]

The City Jail Warden of Valenzuela City is hereby directed to transfer/commit the accused to the New Bilibid Prison, Bureau of Corrections, Muntinlupa City immediately upon receipt of this decision and submit report within five (5) days from compliance.

SO ORDERED.<sup>[10]</sup>

On appeal, the CA affirmed the judgment of conviction, but modified the interest imposed on the civil liabilities, thus:

**WHEREFORE**, in light of the foregoing premises, the instant **APPEAL** is hereby **DENIED**. Hence, the Decision dated April 17, 2013 in Criminal Case No. 689-V-09 of RTC, Branch 172, Valenzuela City which adjudged the guilt of JELMER MATUTINA y MAYLAS and ROBERT ROMERO y BUENSALIDA for rape under Art. 266-A, paragraph (1)(a) of the Revised Penal Code is hereby **AFFIRMED**, inclusive of the civil liabilities, with **MODIFICATION** through imposition as to interest at the legal rate of six percent (6%) per annum on all monetary awards from the date of finality of this Decision until fully paid.

**SO ORDERED.**<sup>[11]</sup>

Now before Us, Matutina and Romero manifested that they would no longer file a Supplemental Brief as they had exhaustively discussed the assigned errors in their Appellant's Brief.<sup>[12]</sup> In contrast, the Office of the Solicitor General (*OSG*) filed a Supplemental Brief.<sup>[13]</sup>

After a careful review of the records and the parties' submissions, this Court finds no cogent reason to reverse the judgment of conviction. There is no showing that the RTC or the CA committed any error in the findings of fact and the conclusions of law.

The settled rule is that the trial court's evaluation and conclusion on the credibility of witnesses in rape cases are generally accorded great weight and respect, and at times even finality, and that its findings are binding and conclusive on the appellate court, unless there is a clear showing that it was reached arbitrarily or it appears from the records that certain facts or circumstances of weight, substance or value were overlooked, misapprehended or misappreciated by the lower court and which, if properly considered, would alter the result of the case. Having seen and heard the witnesses themselves and observed their behavior and manner of testifying, the trial court stood in a much better position to decide the question of credibility. Indeed, trial judges are in the best position to assess whether the witness is telling a truth or lie as they have the direct and singular opportunity to observe the facial expression, gesture and tone of voice of the witness while testifying.<sup>[14]</sup>

Here, the RTC correctly ruled that the elements of rape under Article 266-A, paragraph 1(a) of the RPC had been sufficiently established by the prosecution.<sup>[15]</sup> AAA gave a detailed narration of what transpired in the evening of October 17, 2009. With her unwavering assertions, it was proven beyond reasonable doubt that