

SECOND DIVISION

[G.R. No. 225065, September 13, 2017]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, V.
ARMANDO LABRAQUE A.K.A. "ARMAN", ACCUSED-APPELLANT.**

D E C I S I O N

PERALTA, J.:

This is an appeal from the May 22, 2015 Decision^[1] of the Court of Appeals (CA) in CA-G.R. CR-HC No. 05269, which affirmed with modification the February 8, 2010 Decision^[2] of the Regional Trial Court (RTC), Branch 254, Las Piñas City, finding accused-appellant Armando Labraque *a.k.a.* "Arman" (*Arman*) guilty beyond reasonable doubt of the crime of rape^[3] committed against AAA, a minor victim.

The Information dated January 28, 2008 alleged:

That on or about the **26th day of January, 2008**, in the City of Las Piñas, Philippines and within the jurisdiction of this Honorable Court, the above-named accused with lewd designs, did then and there willfully, unlawfully and feloniously had carnal knowledge with one [AAA], a twelve (12)-year-old minor, through force, threat or intimidation, against her will and consent by twisting her arms and subjecting her to child abuse thereby debasing, demeaning and degrading her intrinsic worth and dignity as a human being^[4]

In his arraignment, Arman pleaded "Not Guilty."^[5] Trial ensued while he was under detention^[6]

The prosecution presented five witnesses: AAA, her mother BBB, *barangay tanods* Edvic Balleascas and Felix Juera, case investigator PO1 Rhona Mea Padojinog, and medico-legal officer Dr. Jesille Baluyut. Only Arman testified for the defense.

AAA testified that she was raped ("*kinantot*") by their neighbor Arman on January 26, 2008. She was sitting in a tricycle at the time when Arman approached her and inquired what her problem was. He then asked her to come with him to a place where she would sweep the floor. She agreed. When they arrived at the second floor of a building, he undressed himself and compelled her to remove her garments. Afraid since he was drunk, she did not oppose. He directed her to lie down on the floor and placed himself on top of her while he held her hands. He asked if he could sell her body ("*kung puwede bang ibenta ang katawan ko*"), but she remained silent. He then forcibly inserted his penis into her vagina ("*Ipinasok po niya iyong tite niya sa belat ko. Pilit niyang pinasok*"). She shouted "*saklolo* " as she felt the pain in her bleeding vagina. However, an old woman vending at the ground floor exclaimed "*wag kaming maingay kasi nakakabulabog kami.* " Moreover, Arman told her to shut up, otherwise, papers would be placed inside her mouth. After

accomplishing the deed, he directed her to put on her clothes. He also got dressed and uttered "*ang sarap.*" When she urinated at the comfort room of the second floor, she noticed blood stains in her underwear. After he left, she hurriedly went to her house and reported the incident to BBB. When her parents discussed whether to put Arman in jail, her father asserted, "*Ipakulong natin yan. Sinira niya ang kinabukasan ng anak natin.* "

In her testimony before the court, BBB declared that AAA is her 14-year-old daughter and that, as proven by her birth certificate, she was 12 years old when Arman raped her. Around 12:00 p.m. on January 26, 2008, she was at home when AAA asked for her permission to watch television at a neighbor's house. When she returned by 3:00 p.m., she went straight to the comfort room. There was dust on her elbow and she was crying. When probed, AAA surprisingly disclosed, "*kinantot ako ng Tito ni Dave* " at the second floor of an unfinished house near the Christian Habitat. The next day, she went to the *barangay* hall to report the incident. Subsequently, she and the *barangay tanods* proceeded to the house of Dave where they found Arman. Based on what AAA told her, she pointed at him as the person who molested her daughter.

Ballescas testified that while he was on duty as a *barangay tanod* of Talon Uno, Las Piñas, BBB came to their office on January 27, 2008 to inform that AAA was sexually abused by Arman. A report was prepared and entered into the blotter book. Acting upon the order of the desk officer who conducted the inquiry, he, together with BBB and Juera, proceeded to Arman's residence to invite him for some questioning. Arman went with them to the *barangay* hall, where he was pointed by AAA as the one who raped her. In the presence of AAA, BBB, Ballescas, and Juera, he admitted the accusation claiming "*opo, isang beses ko long po ginalaw.* " Thereafter, he was brought to the district hospital to secure a medical certificate and then to the police station for investigation.

The prosecution and the defense agreed to stipulate on the supposed testimony of Juera, to wit:

1. That he is a Barangay Tanod and will corroborate the testimony of Barangay Tanod Edvic Ballescas;
2. That sometime on January 27, 2008 at around 5:30 in the afternoon, their office received an information that accused herein sexually abused private complainant [xxx] and pursuant to said information, he, together with Barangay Tanod Ballescas, went to the house of the accused and invited him to their office and upon arrival to their office, he admitted that he sexually molested the private complainant;
3. That he can identify the Salaysay ng Pagkahuli that he prepared as well as his signature affixed therein; and
4. That he has no personal knowledge on the alleged facts and circumstances surrounding the commission of the offense charged.^[7]

Likewise, the testimony of PO1 Padojinog was dispensed with after the prosecution offered and the defense admitted on the following stipulation of facts:

1. that she is a police officer assigned at the Women & Children Protection Desk, Las Piñas City Police Station;
2. that on January 27, 2008 she conducted an investigation and the result of which was reduced into writing;

3. that she could identify the Investigation Report (Exh. "G") she prepared and her signature (Exh. "G-1"); and
4. that she has no personal knowledge on the actual alleged incident.^[8]

PCI Baluyut, the Medico-Legal Officer of the Philippine National Police (PNP) Crime Laboratory in Camp Crame, Quezon City, was the one who conducted the genital examination of AAA pursuant to the request, dated January 27, 2008, issued by the Officer-in-Charge of the Women's Desk of Las Piñas City Police Station. As shown in her report, she noted the presence in AAA's hymen of a deep-healed laceration or tearing of the mucosa at 4 o'clock position, which was usually caused by a blunt force or penetrating trauma such as an erect penis. During her interview with AAA, the latter admitted that there was a penile penetration of her vagina. However, it was concluded that "there are no external signs of application of any form of trauma," *i.e.*, no external injuries like contusions or bruises, suffered by AAA.

On the other hand, Arman testified that he was 45 years old, single, and a fisherman residing in Yablong (Jiabong), Samar. In January 2008, he went to Las Piñas, together with his aunt Josie Hernandez, in order to see his sister Argene. He stayed with his cousins only for three days and there was no occasion that he got out of the house. He denied the allegations of AAA. He does not know her or a nephew by the name of Dave or a place called Christian Habitat. The first time he saw AAA was when she was at the videoke bar watching those who were singing. He was at the side of a street when he was arrested on a Sunday sometime in 2008. He did not know the persons who arrested him and they did not tell him why he was being apprehended. He did not talk to them and ask the reason therefor. At the police station, he was informed that somebody filed a complaint for rape against him. He was brought to the hospital where he was subjected to medical examination. After that, he was delivered to the Las Piñas City Prosecutor's Office for inquest proceedings.

On February 8, 2010, Arman was convicted by the RTC. The *fallo* of the Decision reads:

WHEREFORE, finding accused ARMANDO LABRAQUE a.k.a. "ARMAN" GUILTY beyond reasonable doubt of the crime of Rape, as defined and penalized under Art. 266-A, paragraph 1 of the Revised Penal Code, as amended by R.A. 8353 in relation to Sec. 5 (b) R.A. 7610, the Court hereby sentences him to suffer the penalty of RECLUSION PERPETUA, and to pay the private complainant, AAA, the amount of P75,000.00 as civil liability; P75,000.00 as moral damages; P50,000.00 as exemplary damages, and to pay the costs.

SO ORDERED.^[9]

For the trial court, AAA's narration of the sexual abuse committed by Arman was reflective of an honest and unrehearsed testimony, devoid of any hint of falsity or attempt to fabricate. Her simple and direct manner of describing her ordeal, which was corroborated by the police records and the testimony of the medico-legal officer, was a sign of truthfulness. The pattern of her behavior after the sexual assault was indicative of her resistance to Arman's monstrous acts and the steps she took were but a natural reaction of a rape victim. Her claim of sexual violence is more credible and real, because it is in accord with human experience. On the contrary, Arman's denial that he does not know AAA deserves scant consideration because the latter