

THIRD DIVISION

[G.R. No. 208625, September 06, 2017]

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. RAMON FRANCICA Y NAVALTA, ACCUSED-APPELLANT.

DECISION

LEONEN, J.:

No amount, especially not the P50.00 paid by the accused for sexually abusing his 11-year-old victim, will ever compensate for her trauma. The depravity of a grown man in taking advantage of a child's trust and innocence and her family's poverty to repeatedly rape her rightfully deserves condemnation and the most severe punishment that can be meted out under the law.

This Court is asked to review the February 22, 2013 Decision^[1] of the Court of Appeals in CA-G.R. CR-HC No. 03929. This Decision affirmed the conviction of accused-appellant Ramon Francica (Francica) for three (3) counts of statutory rape under Article 266-A(1)(d) of the Revised Penal Code, as amended by Republic Act No. 8353, in relation to Republic Act No. 7610, and imposed the penalty of *reclusion perpetua* for each count of rape.^[2]

This Court restates the facts as found by the lower courts.

On February 3, 2005, in Criminal Case No. 05-1287-FC-H, an Information^[3] was filed against Francica before Branch 209, Regional Trial Court, Mandaluyong City. This Information read:

That on or about the 2nd day of February 2005, in the city of Mandaluyong, Philippines, a place within the jurisdiction of [this Honorable Court,] the above-named accused, being the neighbor of the victim, did, then and there willfully, unlawfully and feloniously have carnal knowledge with [AAA], a girl eleven (11) years of age, by then and there inserting his private part into [the] latter's vagina, all against the latter's will, which acts [sic] debases, degrades or demeans the intrinsic worth and dignity of the victim (a child) as a human being.

CONTRARY TO LAW.^[4]

When arraigned,^[5] Francica pleaded not guilty to the crime charged against him.

On September 20, 2005, in Criminal Case Nos. MCOS-1483-FC-H and MC05-1484-FC-H, two (2) additional Informations were also filed against Francica before Branch 209, Regional Trial Court, Mandaluyong City. The second Information read:

That on or about the 19th day of January 2005, in the city of Mandaluyong, Philippines, a place within the jurisdiction of [this Honorable Court,] the above-named accused, motivated by carnal lust and by means of force, threat and intimidation, did, then and there willfully, unlawfully and feloniously have carnal knowledge with [AAA], a girl eleven (11) years of age, a child within the meaning of R.A. 7610, by then and there inserting his private part into the latter's vagina, all against the latter's will, which acts [sic] debases, degrades or demeans the intrinsic worth and dignity of the victim (a child) as a human being.

CONTRARY TO LAW.^[6]

The third Information read:

That sometime in the month of March 2004, in the City of Mandaluyong, Philippines, a place within the jurisdiction [of this Honorable Court,] the above-named accused, motivated by carnal lust and by means of force, threat and intimidation, did, then and there willfully, unlawfully and feloniously have carnal knowledge with [AAA], a girl eleven (11) years of age, a child within the meaning of R.A. 7610, by then and there inserting his private part into the latter's vagina, all against the latter's will, which acts [sic] debases, degrades or demeans the intrinsic worth and dignity of the victim (a child) as a human being.

CONTRARY TO LAW.^[7]

On October 26, 2005, the trial court ordered the consolidation of the three (3) charges of rape.^[8]

Francica also pleaded not guilty to the two (2) other charges of rape against him.^[9]

Trial on the merits ensued.

The prosecution presented the child victim, AAA, who was then 11 years old and a Grade 6 student at a public school in Nueve de Pebrero in Mandaluyong City.^[10]

AAA testified that she lived with her parents and five (5) siblings in Mandaluyong City near Cardinal Sin. AAA claimed that she knew Francica because he was their neighbor.^[11]

AAA testified that Francica was a good person because he would sometimes give her money whenever he touched her.^[12] When asked how Francica touched her, AAA answered that he licked her breasts and inserted his penis into her vagina.^[13]

She claimed that Francica started touching her sometime in March 2004 and that this went on many times. He would sometimes even give her P50.00 after touching her.^[14]

The next prosecution witness was BBB, AAA's grandmother. BBB testified that AAA lived on the ground floor of her house in Nueve de Pebrero while she lived on the second floor. BBB claimed to know Francica because he had been her neighbor for

many years.^[15]

BBB testified that she had two (2) bathrooms at the back of her house.^[16] In the afternoon of February 2, 2005, she was using one (1) of them when she heard a voice say, "*May tao. Si Mamang yata yun*" from inside the other lavatory.^[17] When she went out, she saw someone run out of the other bathroom. She quickly looked inside the washroom and saw AAA. She ran after the other person and when he looked backed, she recognized him as Francica.^[18]

She was unable to catch Francica and when she returned to her house, she saw her other grandchild, CCC, talking with AAA. CCC was outside the bathrooms when the commotion happened and CCC told BBB that she saw AAA pulling up her underwear inside the lavatory after Francica ran out.^[19]

BBB claimed that she had heard rumors that Francica and AAA regularly had sexual intercourse and that she had confronted AAA about this before, but AAA never confirmed these rumors.^[20]

After she saw AAA and Francica inside the bathroom, BBB told Josephine, AAA's aunt, about what happened. AAA and Josephine then went to the barangay hall to report the incident.^[21]

BBB testified that she was summoned to the barangay hall later that afternoon to confront Francica. She claimed that Francica admitted the accusation against him, for which he was mauled inside the barangay hall.^[22]

After the barangay investigation, BBB and AAA went to the police station to execute their respective affidavits.^[23]

BBB testified that AAA's family was very poor and that AAA's mother could not look after her children because she had a gambling problem. BBB admitted that she would prefer that AAA be placed under the custody of the Department of Social Welfare and Development because she was already overtaxed with looking after and providing for several other grandchildren and could no longer take care of AAA.^[24]

The third prosecution witness was Carlos C. Gojo (Gojo), a member of Task Force Anti-Vice. He testified that after BBB reported AAA's rape, Task Force Anti-Vice teamed up with Bantay Bayan of Addition Hills that same day to arrest Francica. The two (2) groups went to Francica's house where they found and arrested him. Gojo attested that Francica was informed of his constitutional rights to be silent and be represented by a lawyer during his arrest.^[25]

Gojo admitted that they had no warrant of arrest when they arrested Francica since they relied on the complaint lodged against Francica.^[26]

Both parties agreed to stipulate^[27] on the testimony of PO1 Jocelyn Samson, who investigated the case and endorsed the complaint against Francica to the Office of the City Prosecutor.

The trial court then ruled that the prosecution waived its right to present as its witness medico-legal PSI Pierre Paul Carpio, M.D. (PSI Carpio), who examined AAA, because of his repeated failure to attend the hearings.^[28]

The last prosecution witness was Court Social Worker Leonor Laureles (Laureles), who conducted the Social Case Study Report^[29] on AAA upon the trial court's directive.^[30] Laureles testified that she interviewed AAA, who opened up about the abuse she underwent because of Francica.^[31] Laureles also averred that she had recommended that AAA be referred to an institution as she was neglected by her parents.^[32]

Francica was the only witness for the defense and he denied that he ever had sexual intercourse with AAA. He claimed that he was only set up by AAA's family after he found out from Nora, AAA's other aunt, that AAA had a relationship with her uncle. Francica stated that he told AAA's parents about her relationship with her uncle, but they ignored him. Francica further claimed that he was made a scapegoat after he revealed AAA's relationship with her uncle.^[33]

Francica did not deny being inside the bathroom with AAA, but he claimed that it was a common facility and that he was urinating when AAA went inside to wait for her turn to use the toilet. It was at this point when AAA's cousin and BBB saw them inside the lavatory.^[34]

On March 3, 2009, the trial court rendered judgment^[35] finding Francica guilty of three (3) counts of statutory rape and meting out the penalty of *reclusion perpetua* for each count.^[36]

The trial court ruled that all the elements of statutory rape were established with AAA's credible and candid testimony, corroborated by BBB's testimony.^[37]

The trial court also held that it was immaterial that the prosecution failed to present the testimony of medico-legal PSI Carpio, since "a medical examination is not indispensable to the prosecution of rape as long as the evidence on hand convinces the court that conviction for rape is proper."^[38]

The dispositive portion of the trial court's decision read:

WHEREFORE, premises considered, this Court finds the accused RAMON FRANCICA y NAVALTA GUILTY beyond reasonable doubt of three (3) counts of Statutory Rape and he is hereby sentenced to suffer the penalty of three (3) *reclusion perpetua* to be served successively. The accused is further ordered to pay the victim, for each count of rape, the amount of P50,000.00 as civil indemnity, P25,000.00 as exemplary damages, and P50,000.00 as moral damages.

COSTS against the accused.

SO ORDERED.^[39]

Francica filed a Notice of Appeal.^[40] In his appeal,^[41] he claimed that the prosecution's failure to present medico-legal PSI Carpio was fatal to the prosecution's case because there were matters that should be clarified by the examining physician.^[42]

On February 22, 2013, the Court of Appeals rendered a decision^[43] affirming Francica's conviction.

The Court of Appeals held that AAA's *Sinumpaang Salaysay* and her testimony in court were consistent in showing that she repeatedly had sexual intercourse with Francica, sometimes in exchange for P50.00.^[44]

In upholding the trial court's assessment on the credibility of the witnesses, the Court of Appeals stated that "the trial judge enjoys the peculiar advantage of observing firsthand the deportment of witnesses while testifying, and is, therefore, in a better position to form accurate impressions and conclusions."^[45]

The Court of Appeals emphasized that a conviction for rape based on the sole testimony of the victim is possible, as long as the victim's testimony is competent and credible.^[46]

Finally, the Court of Appeals asserted that a medical examination of a rape victim is not indispensable to the prosecution of a rape case, as it is merely corroborative in nature.^[47]

The *fallo* of the Court of Appeals Decision read:

WHEREFORE, premises considered, the instant Appeal is hereby **DENIED**. The Decision of the court *a quo* dated 3 March 2009 is hereby **AFFIRMED in toto**.

SO ORDERED.^[48] (Emphasis in the original)

On March 21, 2013, Francica filed a Notice of Appeal^[49] with the Court of Appeals, which was given due course in the Resolution^[50] dated April 23, 2013. Hence, this appeal was instituted.

In the Resolution^[51] dated October 23, 2013, this Court notified the parties that they may file their respective supplemental briefs, if they so desired. However, both parties manifested^[52] that they were dispensing with the filing of their supplemental briefs.

In his appellant's brief,^[53] Francica denies the accusations of rape against him and insists that he was merely made a fall guy to cover up AAA's sexual relationship with her uncle.^[54]

Francica also claims that the lower courts erred in declaring that the prosecution's failure to present the medico-legal officer was not fatal to the case since it affects the reliability of AAA's allegations.^[55]