

FIRST DIVISION

[G.R. No. 191197, June 22, 2015]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
RODRIGO LAPORE, ACCUSED-APPELLANT.**

R E S O L U T I O N

PEREZ, J.:

For review is the conviction of accused-appellant **RODRIGO LAPORE** (Lapore) of rape as defined in Article 266-A and penalized under Article 266-B of the Revised Penal Code, as amended, committed against AAA.^[1] The Decision^[2] dated 20 March 2007, rendered by the Regional Trial Court (RTC), Branch 50, Puerto Princesa City, in Criminal Case No. 15286 was affirmed by the Decision^[3] dated 12 October 2009 of the Court of Appeals in CA-G.R. CRH.C. No. 02771.

The Information

That sometime in the month of October, (sic) 1998, at Barangay Berong (sic) Municipality of Quezon, Province of Palawan, Philippines and within the jurisdiction of this Honorable Court, the said accused with force, threat, violence and intimidation and with lewd designed, (sic) did and (sic) then and there willfully, unlawfully and feloniously have (sic) carnal knowledge with one AAA, a girl of 13 years of age, against her will and consent, to her damage and prejudice.

Contrary to law.^[4]

While a warrant of arrest was issued on 26 January 1999, Lapore remained at large until his arrest on 11 February 2000. During his arraignment, Lapore pleaded not guilty to the crime. Trial on the merits then ensued.

The Prosecution Evidence

The victim, AAA, is thirteen (13) years old and illiterate. She lives with her parents in Barangay Berong, Municipality of Quezon, Palawan. On 1 October 1998, when AAA's parents went to Puerto Princesa City, Palawan, AAA was left at their house with her older brother, two (2) younger siblings, and accused-appellant Lapore who was staying at their house as a guest. Lapore was a pastor in their church.^[5]

One evening, AAA's older brother left the house to go fishing while AAA was asleep. Lapore went inside AAA's room and removed AAA's panty. Lapore then removed his underwear and inserted his penis into her vagina. AAA cried. When she tried to shout, Lapore pointed a knife at her neck and threatened to kill her.

With his penis still insides her vagina, Lapore made push and pull movements and

then left.^[6]

On 20 October 1998, when AAA's parents returned home, AAA reported her ordeal to her parents. When AAA's parents confronted Lapore, Lapore admitted to the rape and promised to marry AAA. After the confrontation, Lapore left. Three (3) months passed. Lapore failed to return. Thus, AAA and her mother reported the incident to the Barangay Chairman and to the police. AAA was brought to Dr. Josieveline M. Abiog-Damalerio, the Municipal Health Officer of Quezon, Palawan, for medical examination. On 23 December 1998, AAA filed the instant criminal complaint for the crime of rape against Lapore.^[7]

AAA's mother, BBB, testified and presented AAA's Birth Certificate to prove that AAA was born on 16 December 1984. The authenticity of the certificate was admitted by the defense.^[8]

Dr. Alma Feliciano-Rivera testified and interpreted the Medical Certificate issued by Dr. Josieveline M. Abiog-Damalerio. The Medical Certificate revealed that AAA was diagnosed with healed lacerations, which may have been sustained a week prior to the examination and that AAA's physical virginity was lost.^[9]

The Evidence of the Defense

Lapore first knew AAA in April 1999 when he began helping AAA's family by doing apostolic work for them for six (6) months. In the evening of one Sunday, while the mother, BBB, was having a drink with the locals, AAA approached Lapore. They talked for several hours. After the conversation, AAA offered herself to Lapore in marriage but he advised AAA to instead pray. Since then, AAA offered herself to Lapore for marriage for two (2) more occasions.

On the first two attempts, Lapore pitied AAA. However, on her third attempt, Lapore finally accepted AAA's proposal but told her that they had to wait until AAA gives birth as she was four (4) months pregnant then.^[10]

Lapore spoke to AAA's parents regarding their plan to marry, but the marriage did not pursue because AAA filed a criminal case accusing Lapore of rape. According to Lapore, the criminal complaint was a personal vendetta because he reprimanded AAA's mother, BBB, for having vices, such as drinking and selling alcohol. Because of their anger, they told Lapore to leave and never to return. Also, Lapore insinuated that it was AAA's boyfriend, in the person of a certain Julio Flores, who impregnated AAA. Lapore averred that AAA was already pregnant when he saw her, and because he pitied her, he agreed to marry her only after she has given birth.^[11]

Ruling of the RTC

After trial, the RTC found Lapore guilty beyond reasonable doubt of the crime of rape. The pertinent portion of the dispositive of the RTC Decision reads:

WHEREFORE, premises considered, judgment is hereby rendered finding accused RODRIGO LAPORE @ "DIGING" GUILTY beyond reasonable doubt of the crime of Rape, as defined and penalized under Article 266-A and 266-B of the Revised Penal Code as amended by R.A. 8353. In view of

the presence of the special aggravating circumstance of the use of a deadly weapon and the generic aggravating circumstance of the abuse of confidence or obvious ungratefulness, the accused is hereby sentenced to suffer the penalty of RECLUSION PERPETUA and to pay the costs. He is likewise ordered to pay the victim AAA the amount of FIFTY THOUSAND (P50,000.00) PESOS as civil indemnity and FIFTY THOUSAND (P50,000.00) PESOS as moral damages.^[12]

As defense, Lapore alleged that the prosecution failed to establish his identity as the perpetrator of the crime. According to Lapore, AAA was inconsistent in identifying the accused:

Q: You did not see his face?

A: No, Sir.

Q: When he started to rape you, how did you notice that it was Lapore?

A: Because I lighted a lamp.

Q: While you were being raped?

A: There is a light coming from his room.

Q: But the room of Lapore is separated by a wall from your room, is it not?

A: Our rooms are beside each other.

Q: So it means that you did not light a lamp?

A: I did not, Sir.^[13] (Emphases supplied)

Ruling of the Court of Appeals

Contrary to the defense's allegation, the Court of Appeals resolved that AAA positively identified Lapore as the man who perpetrated the crime because AAA's account of the incident was clearly expressed in a straightforward manner. The inconsistency in AAA's testimony is minor and inconsequential in nature. As resolved by the Court of Appeals, "[w]hat is controlling is that AAA remained intractable and consistent in identifying the accused as the person who raped her."

Furthermore, AAA's testimony is corroborated by a medical examination which revealed that AAA had healed lacerations and that her physical virginity was lost. The Court of Appeals ratiocinated that "hymenal laceration is a telling, irrefutable and best physical evidence of forcible defloration."^[14] Further, the medical certificate belied Lapore's allegation that AAA was five (5) months pregnant with AAA's boyfriend.^[15]

With regard to the imposable penalty, the Court of Appeals modified the penalty imposed by the RTC. The Court of Appeals ruled that the aggravating/qualifying circumstances of abuse of confidence and obvious ungratefulness, minority, and use of a deadly weapon cannot be appreciated to qualify the crime from simple rape to qualified rape. According to the Court of Appeals, "to justify the imposition of death penalty, the two qualifying circumstances of minority and relationship must concur as provided in Article 266-B of the Revised Penal Code and must be alleged in the information and duly proven during the trial by the quantum of proof required for conviction".^[16] Thus, there being no modifying circumstances to be appreciated, the Court of Appeals ruled that the crime committed is only simple rape, punishable by