

## THIRD DIVISION

[ G.R. No. 198309, September 07, 2015 ]

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.  
ANDY REGASPI, ACCUSED-APPELLANT.**

### D E C I S I O N

**PERALTA, J.:**

The instant case seeks to review the Court of Appeals (CA) Decision<sup>[1]</sup> dated September 23, 2010 in CA-G.R. CR-HC No. 03116. The CA affirmed the Decision<sup>[2]</sup> of the Regional Trial Court (RTC) of Pili, Camarines Sur, Branch 32, dated November 28, 2007 in Criminal Case No. P-2950, finding accused-appellant Andy Regaspi guilty beyond reasonable doubt of the crime of rape.

In an Information dated March 20, 2000, the prosecution charged Regaspi of raping AAA,<sup>[3]</sup> to wit:

That on or about January 12, 2000 at around 8:00 o'clock in the morning at Barangay Sagrada, Municipality of Pili, Province of Camarines Sur, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, by means of force and intimidation, did then and there willfully, unlawfully and feloniously had sexual intercourse with [AAA], a 19-year-old girl, against her will, to her damage and prejudice.

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

When arraigned, Regaspi pleaded not guilty to the crime charged. Trial thereafter ensued where the facts were narrated as follows:

AAA recalled that on the evening of January 11, 2000, she and her friends attended a dance party in their *barangay*. Upon arrival, they stayed outside the dance hall and had a drink inside a tricycle. After consuming a bottle of beer, her friends proceeded to the dance floor, but AAA decided to stay because her feet were already aching.

Suddenly, Regaspi approached AAA and pointed a knife at her. AAA noticed that Regaspi also dropped a tablet into the glass of beer that he was holding. He then ordered AAA to take said glass and drink the beer. Out of fear, she did as she was told, after which, AAA lost consciousness.

When she woke up the following day, AAA found herself inside a nipa hut in the middle of a rice field. She was naked and Regaspi was on top of her, forcing her to have sexual intercourse with him. She tried to resist Regaspi, but the latter still prevailed. After around two (2) hours, he finally left AAA, bleeding and in extreme pain.

Later that same day, AAA went to a physician to have herself examined. Dr. Ma. Rizalina Adalid found the presence of the following:

- (+) lacerated wound, superficial 2 cms., posterior fourchette
- (+) hymenal lacerations at 2 o'clock position with hyperemia
- (+) blood-streaked vaginal discharge, minimal<sup>[5]</sup>

On the other hand, Regaspi vehemently denied the accusations against him. He claimed that it was actually AAA who offered him a drink and asked him to dance. Later, AAA left him. That was the last time Regaspi saw her that night. The next day, he saw AAA sleeping at the chapel near the dance hall. He woke her up but AAA simply smiled at him and went home.

On November 28, 2007, the RTC of Pill, Camarines Sur convicted Regaspi of the crime of rape. The dispositive portion of said Decision states:

Wherefore, judgment is hereby rendered, finding the accused Andy Regaspi, guilty beyond reasonable doubt of the crime of Rape, defined and penalized under Art. 266-A and Art. 266-B and accordingly sentences him to suffer the penalty of Reclusion Perpetua, with all the accessories of the penalty, to indemnify the offended party, AAA,<sup>[6]</sup> the sum of P50,000.00 as indemnity, the sum of P50,000.00 as moral damages, and to pay the costs. [T]he accused is credited in full for his preventive detention had he agreed in writing to abide by the rules for convicted prisoners, otherwise, for 4/5 of the same.

SO ORDERED.<sup>[7]</sup>

Hence, Regaspi appealed before the CA. On September 23, 2010, the CA affirmed the trial court's conviction of Regaspi, thus:

**FOR THESE REASONS**, the appeal is **DENIED**. The November 28, 2007 Decision of the Regional Trial Court finding accused-appellant **ANDY REGASPI** guilty of rape is **AFFIRMED**.

**SO ORDERED.**<sup>[8]</sup>

Regaspi now brings the case before the Court, insisting that the courts be ow gravely erred in finding him guilty of the crime of rape despite the prosecution's failure to establish his guilt beyond reasonable doubt.<sup>[9]</sup>

There is no justifiable reason to depart from the ruling of the lower courts.

When it comes to credibility, the trial court's assessment deserves great weight, and is even conclusive and binding, unless the same is tainted with arbitrariness or oversight of some fact or circumstance of weight and influence. Since it had the full opportunity to observe directly the deportment and the manner of testifying of the witnesses before it, the trial court is in a better position than the appellate court to properly evaluate testimonial evidence.<sup>[10]</sup> The rule finds an even more stringent application where the CA sustained said findings, as in this case.<sup>[11]</sup>