

SECOND DIVISION

[G.R. No. 198059, April 07, 2014]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
ANTONIO LUJECO Y MACANOQUIT ALIAS "TONYO", ACCUSED-
APPELLANT.**

RESOLUTION

DEL CASTILLO, J.:

Appellant Antonio Lujeco y Macanoquit was charged with the crime of rape^[1] committed on June 29, 2002 against "AAA,"^[2] a seven-year old minor.^[3] Appellant pleaded not guilty when arraigned on February 27, 2003.^[4] After trial, the Regional Trial Court of Malaybalay, Branch 8, rendered a Decision^[5] finding appellant guilty of statutory rape.^[6]

As found by the trial court, the prosecution has satisfactorily established that in the morning of June 29, 2002, "AAA" was playing with her friends near the old market at Don Carlos, Bukidnon, which was about 20 meters away from her house. After her playmates left, appellant suddenly grabbed "AAA" and dragged her to the house of his granddaughter which was located nearby. Inside the house, appellant forcibly undressed "AAA," poked a knife at her, and then had carnal knowledge of her. After satiating his lust, appellant told "AAA" to go home.

Aggrieved, appellant appealed to the Court of Appeals which rendered its Decision^[7] dated April 29, 2011 affirming in full the Decision of the trial court, *viz*:

WHEREFORE, the assailed Decision of the Regional Trial Court, Branch 8, Malaybalay City, finding accused-appellant Antonio Lujeco alias Tonyo guilty beyond reasonable doubt of the crime of rape is AFFIRMED *in toto* with costs against accused-appellant.

SO ORDERED.^[8]

Hence, this appeal.^[9]

In his Supplemental Brief,^[10] appellant claims that the trial court and the appellate court erred in giving credence to the testimony of "AAA".^[11] He argues that "AAA" was "under pressure by her mother"^[12] or was coached as the latter was embracing "AAA" while "AAA" was on the witness stand.

This contention deserves no consideration.

It is worth emphasizing that "AAA" was only seven years of age when raped; and eight years old when placed on the witness stand. At the start of her testimony, the trial judge asked if "AAA" needed a "support person."^[13] The prosecution replied that her mother would act as her support. Notably, the defense offered no objection. Thus, it is now too late in the proceedings for appellant to assail the same.

Besides, we have perused the records^[14] and found that "AAA's" mother never uttered any word while "AAA" was testifying. If at all, the records only showed that her mother was embracing "AAA" while the latter was testifying. There was no coaching whatsoever. That she admitted during cross-examination that her mother told her "to always remember"^[15] when testifying, does not diminish her credibility. On the contrary, we interpret this as a mere reminder from her mother for "AAA" to remember every detail so that appellant would stay in jail. For reference, the pertinent testimony of "AAA" reads as follows:

- Q. What did your mother tell you before you testified today?
A. She told me to always remember.
Q. What in particular was that she wanted you to always remember?
A. She said, "AAA, you have to remember always so that they will [be] put to shame."
Q. Do you know who was that your mother was referring to be put to shame when she told you to remember always something?
A. Yes.
Q. Who?
A. Them, Tonyo.
Q. Tonyo Lujeco, the one whom you pointed to earlier, am I correct?
A. Yes.
Q. What else did your mother tell you?
A. My mother told me that if I will not remember always, if I am not going to remember always, that will cause Tonyo to be released.^[16]

More importantly, the records show that "AAA" testified in a categorical and straightforward manner despite her youth. She was unequivocal in her narration and in pointing to the appellant as the rapist. As correctly observed by the trial court:

Her tender age notwithstanding, "AAA" nonetheless appeared to possess the necessary intelligence and perceptiveness sufficient to invest her with the competence to testify about her experience. She might have been an impressionable child – as all others of her age are – but her narration of the facts relating to the incident is clear. x x x Her demeanor as a witness – manifested during trial by her unhesitant spontaneous and plain responses to questions further enhanced her claim to credit and trustworthiness.^[17]

x x x x

x x x This court observed the clear, candid, and straightforward manner that the victim narrated how the accused sexually violated her. This court finds no cogent reason to deviate from that observation. Moreover the court finds simply inconceivable for "AAA", eight (8) years of age, with all her naivete and innocence, to fabricate a story of defloration, allow an examination of her private parts, and thereafter submit herself to a public trial or ridicule, if she had not, in fact, been a victim of rape and deeply motivated by a sincere desire to have the culprit apprehended and punished. x x x^[18]

The Court of Appeals also correctly observed that:

Based on AAA's testimony, it is clear that the appellant had carnal knowledge of the victim who was under twelve (12) years old. AAA categorically recounted the details of how appellant raped her by pushing hard to insert his penis into her labia majora. She was only seven (7) years old when she was raped. It is improbable that a victim of tender years, especially one unexposed to the ways of the world as AAA must have been, would impute a crime as serious as rape if it were not true. There is no doubt that AAA was impelled solely by a desire to let justice find its way. In this regard, it is worthy to note that jurisprudence is one in recognizing that when the offended parties are young and immature girls, courts are inclined to lend credence to their version of what transpired, considering not only their relative vulnerability but also the shame and embarrassment to which they would be exposed by court trial if the matter about which they testified is not true.^[19]

Besides, "AAA's" testimony was corroborated by the medical findings of Dr. Marichu Macias (Dr. Macias). Dr. Macias testified that "AAA" suffered fresh^[20] hymenal lacerations;^[21] that the victim was "positive for sexual molestation injury"^[22] as there were "contusion-hematoma x x x triangular in shape found in both sides of the labia majora of the victim."^[23]

We find no merit in appellant's argument that the contusion or hematoma in "AAA's" private part could have been caused by riding a bike. Even at her tender age, "AAA" categorically testified that appellant inserted his penis into her vagina and pushed it hard.^[24]

Finally, appellant claims that his alibi, although concededly a weak defense, should not be disregarded. We are not persuaded. We agree with the ruling of the appellate court, viz:

As regards appellant's contention that the trial court gravely erred in convicting him despite the fact that during the time that the alleged rape was committed, he was at the public market of Don Carlos, the Court finds the same wanting in merit.

It has been held, time and again, that alibi, as a defense, is inherently