

FIRST DIVISION

[G.R. No. 207763, June 30, 2014]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
ROLANDO RONDINA, ACCUSED-APPELLANT.**

D E C I S I O N

REYES, J.:

For automatic review is the Decision^[1] dated September 27, 2012 of the Court of Appeals (CA) in CA-G.R. CEB CR-HC No. 00594, affirming the conviction^[2] of accused-appellant Rolando Rondina (Rondina) on September 13, 2004 in Criminal Case No. 99-2293 by the Regional Trial Court (RTC) of Basey, Samar, Branch 30 for the crime of simple rape under Article 266-A of the Revised Penal Code (RPC), as amended by Republic Act (R.A.) No. 8353, known as the Anti-Rape Law of 1997, and the imposition of the penalty of *reclusion perpetua*, civil indemnity of P50,000.00, and moral damages of P50,000.00.

Factual Antecedents

On December 15, 1998, an information^[3] was filed against Rondina charging him of rape, as follows:

The undersigned Public Prosecutor, based upon the sworn complaint of victim [AAA]^[4] hereby, accuses ROLANDO RONDINA, alias "Lando", of the crime of Rape, committed as follows:

That on or about the 30th day of August, 1998, about 12:00 o'clock noon, at Barangay [XXX], Municipality of [YYY], Province of Samar, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with lewd design and lustful intent and by means of force, violence and intimidation, did then and there, wilfully, unlawfully and feloniously have carnal knowledge with one [AAA], without her consent and against her will.

CONTRARY TO LAW.^[5]

Rondina was arraigned on February 8, 1999, and he pleaded "not guilty." Trial ensued, with the prosecution presenting three witnesses, namely, AAA, the victim, BBB, AAA's grandmother, and Teodulo Gultian (Captain Gultian), *Barangay* Captain of XXX, town of YYY in Samar, and a first cousin of AAA's grandfather. The testimony of Dr. Francis Gerald Mijares (Dr. Mijares), the attending physician who examined AAA, was dispensed with upon the parties' stipulation that AAA submitted herself to medical examination a week after the incident. Rondina testified alone for his

defense.

According to the prosecution, the rape happened in this manner: Sometime around noon of August 30, 1998, AAA, allegedly only 14 years old, lay awake beside a wall of their house while her 1-year-old sister was sleeping next to her. She heard a noise coming from the kitchen, and suddenly Rondina was on top of her. Poking a knife at her chest, he warned her not to tell her parents, stuffed her mouth with a face towel, and quickly removed her shorts and underwear. He then inserted his penis into her vagina and made a push and pull movement, keeping at this for a "long time." AAA felt pain in her organ, and just before he finished, she felt him discharge something inside her. He pulled out his penis, and she noticed blood oozing from her vagina. He sat beside her while she remained supine and crying.^[6] At that exact moment, BBB entered the house and overheard Rondina and AAA talking in a low voice. In the kitchen, she was surprised to see AAA and Rondina on the floor still naked from the waist down. She angrily demanded to know what they were doing, but AAA said nothing and just cried, still in terror of Rondina, as the latter quickly put on his clothes and ran out through the kitchen. At first, BBB told no one what she saw that day, having been kept busy in the farm. But the next day, she told CCC, AAA's mother, and two days later, after AAA had left for Tacloban where she worked as a laundrywoman,^[7] CCC and BBB sought the help of Captain Gultian, who advised them to get a medical report on AAA.^[8]

On September 7, 1998, CCC brought AAA to the Eastern Visayas Regional Medical Center in Tacloban City, where she was attended by Dr. Mijares. His medical certificate^[9] showed the following results:

P.E. Findings:

= Negative pertinent P.E. Findings

Ob-Gyne findings:

= Pelvic exam

external genitalia - grossly normal

introitus - nulliparous

hymen - intact, elastic, open

vagina - admits one (1) examining finger with ease

Speculum exam:

cervix - small, pinkish

(+) scanty whitish discharge

= Internal exam:

cervix - close, non-tender on wriggling

uterus - small

adnexae - (-) masses, tenderness

Laboratory results:

UCG – negative

Grams stain result: Grams (+) rods = +++

e. cells = ++

REMARKS:

CONCLUSIONS: 1. The above[-]described physical injuries are found in the body of the subject the age of which is compatible to the alleged date of infliction.

x x x x

On September 9, 1998, AAA, accompanied by CCC and Captain Gultian, executed a complaint affidavit before the National Bureau of Investigation (NBI) charging Rondina with rape. On September 17, 1998, Rondina was arrested on a warrant.

The version of the defense paints a lovers' tryst. According to Rondina, 24 years old, a laborer in a rice mill, he met AAA on August 10, 1998 at a benefit dance held during their town fiesta. They danced three times to slow music, and in the course of the evening she agreed to be his sweetheart. He visited her several times at home, and each time her parents were around. On August 29, 1998, a Saturday, at around 7:00 p.m., Rondina again saw AAA, and it was then that he broached an "intimate" proposal to her. She agreed, but told him to come back at noon the next day since her parents would be away in the farm. Rondina returned as agreed, and AAA herself opened the door. AAA led him to the kitchen, and there the lovers lost no time kissing and caressing each other. AAA took off her bra and shorts, and Rondina also took off his shorts. Rondina insisted that he and AAA still had their underwear on when BBB arrived just when they were about to commence the sexual act. He denied that he used a towel and a knife to facilitate the rape.^[10]

BBB caught them half-naked, and she angrily demanded, "*birat ano hin pagbuhat niyo hito?*" ("why did you do it?").^[11] But AAA just cried, while Rondina quickly arose and feebly tried to explain that he and AAA already had an understanding. BBB refused to be pacified and Rondina had to leave. He put on his shorts and exited through the kitchen. Believing that he committed no crime, Rondina was surprised when the police came to his rented house and arrested him on September 16, 1998.^[12] He also claimed that Captain Gultian tried to extort money from him.^[13]

On September 13, 2004, after three changes in the presiding judge, the last judge, Honorable Jovito C. Abarquez, having personally observed only the demeanor and testimonies of Captain Gultian and of Rondina but not those of the complainant and her grandmother, the RTC rendered judgment against Rondina, the dispositive portion of which reads:

WHEREFORE, PREMISES CONSIDERED, JUDGMENT is hereby rendered finding accused ROLANDO RONDINA guilty beyond reasonable doubt of the crime of RAPE defined and penalized

under Article 335 of the Revised Penal Code as amended by Republic Act No. 8353 and the Court hereby sentences him to suffer the penalty of Reclusion Perpetua and to indemnify the private complainant, [AAA], in the amount of Php 50,000.00 as civil indemnity and moral damages in the amount of Php 50,000.00.

SO ORDERED.^[14]

On October 4, 2004, Rondina filed a notice of appeal to the Supreme Court, but conformably to this Court's decision in *People v. Mateo*,^[15] the Court transferred the case to the CA for intermediate review. At the CA, Rondina raised a lone error, *to wit*: THE TRIAL COURT ERRED IN CONVICTING [RONDINA] OF THE CRIME CHARGED DESPITE THE FACT THAT HIS GUILT WAS NOT PROVEN BEYOND REASONABLE DOUBT.^[16]

On September 27, 2012, the CA affirmed the conviction of Rondina, as follows:

WHEREFORE, premises considered, the Decision dated 13 September 2004 of the Regional Trial Court (RTC), 8th Judicial Region, Branch 30, Basey, Samar, in Criminal Case No. 99-2293, finding accused-appellant Rolando Rondina guilty beyond reasonable doubt of the crime of simple rape is hereby **AFFIRMED** in all respects except that he is further **ORDERED** to pay AAA interest on all damages awarded at the rate of six percent (6%) per annum from the finality of this judgment until fully paid.

SO ORDERED.^[17]

The case is again with this Court on automatic final review, and meanwhile, Rondina has been in detention since 1998.

Ruling of the Court

This Court votes to acquit the accused.

Discussion

The crime of rape is now found in Article 266-A of the RPC

R.A. No. 8353, known as the "Anti-Rape Law of 1997," was signed into law by President Fidel V. Ramos on September 30, 1997 and took effect on October 22, 1997, becoming Article 266-A to 266-D of Title VIII of the RPC under Crimes Against Persons. Providing for a broader definition of rape, it reclassified rape from a Crime Against Chastity to a Crime Against Persons. Article 266-A of the RPC now reads:

Article 266-A. *Rape, When and How Committed.* – Rape is committed-

1) By a man who shall have carnal knowledge of a woman under any of the following circumstances:

- a) Through force, threat or intimidation;
- b) When the offended party is deprived of reason or is otherwise unconscious,
- c) By means of fraudulent machination or grave abuse of authority;
- d) When the offended party is under twelve (12) years of age or is demented, even though none of the circumstances mentioned above be present;

2) By any person who, under any of the circumstances mentioned in paragraph 1 hereof, shall commit an act of sexual assault by inserting his penis into another person's mouth or anal orifice, or any instrument or object, into the genital or anal orifice of another person.

Throughout our recorded history, rape has been invariably regarded with unmitigated odium, and meted the highest penalties allowed in our statute books. By its very nature, a charge of rape must be resolved by giving primordial consideration to the credibility of the victim's testimony,^[18] since conviction may be solely based thereon, provided it is credible, natural, convincing, and consistent with human nature and the normal course of things.^[19] For when a woman says she was raped, she says in effect all that is necessary to show that rape was committed. So if her testimony meets the test of credibility, conviction may issue on the basis thereof.^[20]

The constitutional presumption of innocence of the accused demands no less than a moral certainty of his guilt free of reasonable doubt. Moreover, the prosecution evidence must stand or fall on its own merits, and cannot be allowed to draw strength from the weakness of the defense. The testimony of the victim must be scrutinized with utmost caution, and unavoidably, her own credibility must also be put on trial.^[21]

The Supreme Court as the court of last resort is obligated to conduct a comprehensive and extensive assessment of a conviction for rape,^[22] and in the Court's review of the decisions of the RTC and the CA, the Court has followed the oft-cited guiding principles, to wit:

A rape charge is a serious matter with pernicious consequences both for the accused and the complainant, so that utmost care must be taken in the review of a decision involving conviction of rape. Thus, the Court has consistently adhered to the following guiding principles, to wit: (1) an accusation for rape can be made with facility, while the accusation is difficult to prove, it is even more difficult for the accused, albeit innocent, to disprove; (2) considering that, in the nature of things, only two persons are usually involved in the crime of rape, the testimony of the complainant must be scrutinized with extreme care; and (3) the evidence