

SECOND DIVISION

[G.R. No. 190863, November 19, 2014]

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. RAUL SATO, ACCUSED-APPELLANT.

R E S O L U T I O N

DEL CASTILLO, J.:

Assailed in this appeal is the March 13, 2009 Decision^[1] of the Court of Appeals (CA) in CA-G.R. CEB-CR-H.C. No. 00481 affirming with modifications the July 3, 2006 Judgment^[2] of the Regional Trial Court (RTC), Branch 14, Cebu City in Criminal Case No. CBU-70799. The RTC found appellant Raul Sato (appellant) guilty beyond reasonable doubt of the crime of statutory rape committed against "AAA"^[3] as described in an Information,^[4] the pertinent portion of which reads:

That sometime in the afternoon of the 10th day of September, 2004, at x x x, Province of Cebu, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, with lewd design and by means of force, violence and intimidation, did then and there willfully, unlawfully and feloniously have carnal knowledge [of] "AAA" a 9-year old girl, against her will.

CONTRARY TO LAW.^[5]

During his arraignment, appellant pleaded "not guilty" to the crime charged. Thereafter, pre-trial and trial ensued.

Version of the Prosecution

On September 10, 2004, then nine-year old^[6] "AAA" and her six-year old cousin "BBB" were invited by the appellant, who was their neighbor, to an abandoned *nipa* hut. Appellant then carried "AAA" while "BBB" walked towards the hut. Upon entering the premises, appellant told "AAA" and "BBB" to undress. When the children complied, appellant started playing with the private parts of "AAA." He then counted "one, two, three," inserted his penis into "AAA's" vagina, and made coital movements that caused "AAA" to feel pain. Thereafter, appellant gave "AAA" P5.00 and threatened to kill her and her father with a knife if she tells anyone of the things he did to her. The whole time, "BBB," who was likewise naked, was just sitting beside "AAA." Appellant did not molest or touch her. Appellant then carried "AAA" and "BBB" and brought them out of the *nipa* hut through the window. "AAA" reported the incident to her grandmother because her parents were not around at that time.^[7]

At the time of the incident, prosecution witness Efren Alcover (Alcover) was near the abandoned *nipa* hut gathering *balani* (banana trunk). When he passed by the hut which had no door, he saw appellant, "AAA" and "BBB" inside. Upon getting closer, he saw all of them naked. "AAA" was lying down while appellant was doing push and pull movements on top of her. Beside "AAA" was "BBB" whom appellant only gazed at. When appellant was done, Alcover saw him give the children money.^[8]

On September 11, 2004, "AAA" was physically examined. Her physician found hyperemia or an increase in redness of "AAA's" hymen.^[9]

Version of the Defense

Appellant denied the accusations against him. He testified that at around 4:00 a.m. of September 10, 2004, he went fishing and returned ashore at 3:30 p.m. He cooked some of the fish he caught and shared it with Arsenio Baraquia (Baraquia). They went their separate ways at 4:00 p.m. When he arrived home, he cooked and ate the rest of the fish for dinner. After finishing his meal, he slept throughout the night.^[10] This was corroborated by Baraquia.^[11]

Appellant attributed ill motive to "AAA" and her parents in filing the case. He claimed that he would often scold "AAA" for hurting his youngest son. Anent her parents, he averred that he had a confrontation with them before the *barangay*. This was after he threw a stone at their dog which tried to bite him. Accidentally, the stone hit their house instead and this angered "AAA's" brother.^[12]

Ruling of the Regional Trial Court

On July 3, 2006, the RTC rendered its Judgment^[13] finding appellant guilty beyond reasonable doubt of the crime of statutory rape. The trial court gave weight to "AAA's" categorical, straightforward and spontaneous manner of testifying that she was raped by appellant. On the other hand, it debunked appellant's defense of denial and alibi. The dispositive portion of the RTC Judgment reads:

WHEREFORE, in view of the foregoing premises, JUDGMENT is rendered finding accused, RAUL SATO, GUILTY beyond reasonable doubt of STATUTORY RAPE pursuant to ART. 266-A of the Revised Penal Code (The Anti-Rape Law of 1997-R.A. 8353) and is sentenced to the indivisible penalty of reclusion perpetua pursuant to the first paragraph of Art. 266-B of the same Law.

Accused is also ordered to pay the victim "AAA", through her parents the following amounts:

- a.) FIFTY THOUSAND (P50,000.00) PESOS, for and as his civil liability towards the victim;
- b.) TEN THOUSAND (P10,000.00) PESOS, for and as moral damages
- c.) FIVE THOUSAND (P5,000.00) PESOS, for and as exemplary damages.

SO ORDERED.^[14]

Ruling of the Court of Appeals

Before the CA, appellant averred that the RTC failed to take into consideration the improbabilities in "AAA's" claim of rape, to wit: (1) he could not have raped "AAA" in the presence of her cousin "BBB;" (2) if he indeed raped "AAA" in "BBB's" presence, the prosecution should have presented the latter as witness to corroborate "AAA's" testimony; (3) if he was really motivated by his bestial desire, he would have also raped "BBB," which according to "AAA," he also ordered to undress; (4) if he indeed raped "AAA," the medical examination done on her should have indicated the presence of vaginal laceration or any condition suggestive of forceful penile penetration; and, (5) it was unbelievable and inconceivable for prosecution witness Alcover to do nothing to prevent or stop the criminal act if he indeed witnessed the alleged rape of "AAA." Appellant further averred that the RTC erred in not appreciating his defense of alibi that he was at the seashore at the time of rape since it was corroborated by Baraquia.^[15]

In its Decision^[16] dated March 13, 2009, the CA held that it was neither inconceivable for appellant to have raped "AAA" in the presence of "BBB" nor unbelievable for him to undress both "AAA" and "BBB" but rape only "AAA." It has been held that rape is no respecter of time and place. Also, a child molester's mind could never be truly fathomed. Besides, the whole incident had been narrated by "AAA" in a clear, candid and straightforward manner and corroborated in its essential points by Alcover's testimony.

With respect to the result of the medical examination, the CA explained that the lack of lacerations in "AAA's" vagina does not negate sexual intercourse. It explained that penetration of the penis through the lips of vagina, even without rupture or laceration of the hymen, is enough to justify a conviction for rape.

The CA likewise debunked appellant's argument that Alcover should have rescued "AAA" if he indeed saw her being molested by appellant. The appellate court emphasized that different people react differently to a given situation and there is no standard form of behavioral response when one is confronted with a strange or startling experience. Moreover, there is no reason to doubt Alcover's testimony as no evil or dubious motive could be imputed against him to falsely testify against appellant.

Neither did the CA give credence to appellant's allegation that the complaint against him was merely lodged because "AAA's" parents harbored ill feelings against him due to their previous confrontation in the *barangay*. To the CA, it is inconceivable for "AAA's" parents to drag their nine-year old daughter into a rape scandal with all its attendant humiliation although said incident did not happen.

In view of these, the CA affirmed appellant's conviction but modified the award of damages, viz: