

SECOND DIVISION

[G.R. No. 191192, August 22, 2012]

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. EDGAR BALQUEDRA, ACCUSED-APPELLANT.

DECISION

SERENO, J.:

This is an appeal, via Notice of Appeal dated 11 August 2009,^[1] of the 31 July 2009 Decision^[2] of the Court of Appeals (CA) in CA-G.R. CR-HC No. 03188, affirming the conviction of Edgar Balquedra (appellant) for raping AAA.^[3] He imputes error to the CA and the Regional Trial Court (RTC) for giving credence to the testimonies of AAA and the medical officer who examined her.^[4]

The antecedent facts are as follows:

FACTS

AAA, her sister BBB, and their brother regularly slept in their family's shanty located near their house.^[5] On 06 June 2005 at 9:30 p.m., only the two girls slept in the shanty because their brother was out of town.^[6] Later in the night, BBB went back to the house to drink water, but did not return.^[7] While AAA was alone in the shanty, appellant entered.^[8] AAA, who was already lying on the bed, recognized him as her neighbour.^[9] She asked him what he was doing there,^[10] but he did not answer.^[11] Instead, he allegedly covered her mouth with his left hand and pinned her down on the bed using his body.^[12] He then pulled down her shorts and panty with his right hand, and subsequently pulled down his shorts and briefs with the same hand.^[13] AAA tried to struggle, but she could not move because appellant was stronger than her.^[14] He then spread out her legs, inserted his penis into her vagina, and made pumping motions.^[15] After consummating the deed, he threatened to kill her if she told anybody about what happened.^[16] After he left, AAA went back to the house and kept silent about the incident, because she was afraid of his threat.^[17]

One week after, appellant attempted to rape BBB.^[18] This attempt against AAA's sister was recorded in a police blotter naming Edgar Balquedra as the perpetrator.^[19] After this incident, AAA confided to her mother that she had been raped by the same Edgar Balquedra.^[20]

AAA's parents, outraged by what happened, brought her to a health center on 14 June 2005 to be examined.^[21] In Medico-Legal Certificate dated 14 June 2005, the

examining physician found lacerations in the victim's external genitalia.^[22]

On 16 June 2005, AAA executed a Sworn Statement before the Provincial Prosecutor detailing her rape by appellant.^[23] On the same day, a criminal Complaint was filed with the Municipal Trial Court (MTC) of Agoo, La Union.^[24] Finding prima facie evidence that the rape was committed, and that appellant was probably guilty thereof, the MTC forwarded the records to the Provincial Prosecutor for appropriate action.^[25]

On 22 July 2005, the Provincial Prosecutor charged appellant with rape in the RTC, Branch 32, Agoo, La Union, in the following Information:^[26]

That on or about the 6th day of June 2005, in the Municipality of Agoo, Province of La Union, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, with lewd design and by means of force, threat and intimidation, did then and there wilfully, unlawfully and feloniously, have sexual intercourse with one AAA, a fourteen (14) year old minor by covering her mouth, removing the underwear and inserting his penis and have a [sic] carnal knowledge of the said victim against her will and at the same time uttering threatening remarks to said victim, against her will, to her damage and prejudice.

CONTRARY TO LAW.

Upon arraignment, appellant pleaded not guilty.^[27] Thereafter, trial ensued.

The prosecution presented the testimonies of AAA,^[28] her mother,^[29] and the doctor^[30] who examined her, as well as her Sworn Statement^[31] and the Medico-Legal Certificate as documentary evidence.^[32] On the other hand, appellant's defense consisted of denial and alibi. He testified that he was at home with his wife on the night of the rape.^[33] He also alleged ill will on the part of AAA's father, he hit with the bicycle, causing the dislocation of the latter's right ankle.^[34]

The RTC found that AAA had clearly identified appellant and described how he had raped her^[35] as opposed to appellant's unavailing defense of denial and alibi.^[36] Accordingly, it ruled that he was guilty beyond reasonable doubt of rape. The dispositive portion of the Decision reads:

WHEREFORE, the Court finds accused Edgardo Balquedra guilty beyond reasonable doubt of the crime of rape, and hereby sentences him to suffer the penalty of *reclusion perpetua*.

The accused is also ordered to pay the victim in the amount of P50,000.00 as moral damages; P50,000.00 as civil indemnity; and P25,000.00 as exemplary damages.^[37]

Through counsel, appellant filed with the CA a Notice of Appeal dated 17 December 2007.^[38]

In his brief, he questioned the credibility of AAA, the findings of the examining doctor who executed the Medico-Legal Certificate, and the degree of force he had allegedly employed against AAA.^[39] Ruling against the appeal, the CA found that AAA's testimony was consistent in all material aspects and corroborated by the findings indicated in the medical report.^[40] It also ruled that the degree of force employed was sufficient to consummate the rape.^[41] As a result, the conviction was affirmed *in toto*.^[42] Thereafter, appellant filed a Notice of Appeal of the 31 July 2009 Decision of the CA based on questions of fact and law.^[43]

On 21 April 2010, this Court informed the parties that it had received the records from the CA and required them to file their respective supplemental briefs.^[44] Both parties manifested that they would no longer file supplemental briefs, since they had exhaustively argued all the relevant issues in the Briefs they had previously submitted before the CA.^[45]

OUR RULING

We rule that the CA was correct in affirming the RTC's finding that AAA's testimony was credible and sufficient to establish the rape committed by appellant.

In reviewing the crime of rape, the Court is guided by the following principles: *first*, to accuse a man of rape is easy, but to disprove the accusation is difficult though the accused may be innocent; *second*, considering that only two persons are usually involved in the crime of rape, the testimony of the complainant should be scrutinized with great caution; *third and last*, the evidence for the prosecution must stand or fall on its own merit and not be allowed to draw strength from the weakness of the evidence for the defense.^[46]

The Victim's Positive Identification of Appellant

The records will show that AAA had positively identified appellant as the perpetrator. Although the crime was committed at night, there was a lighted kerosene lamp on the table when he entered the shanty.^[47] AAA had sufficient light and means to identify her assailant at the time of the incident. There was no evidence presented that this light was put out when she went to sleep, or that it was knocked off the table, or that it broke while the crime was being committed. Also, appellant raped AAA facing her and covering only her mouth, thus giving her a full view of his face.^[48]

Lastly, appellant was familiar to AAA, since he was her neighbour, his residence a mere 200 meters away from hers.^[49] He himself admitted that she had known him since she was a child.^[50]

The Victim's Testimony Sufficiently

Corroborated by the Medical Certificate

Aside from AAA's testimony,^[51] the Medico-Legal Certificate and the testimony of the doctor who had examined the victim corroborated the latter's story of rape. Based on the medical certificate, AAA was examined six days after the crime took place.^[52] Upon a perineal inspection of her external genitalia, lacerations at the 5, 7 and 9 o'clock positions were found by the examining physician.^[53]

Appellant avers that the testimony of the doctor negates the allegation that the former had sexual congress with the victim just one week before the medical examination.^[54] Appellant points out that, according to the doctor, the most probable period when the lacerations were inflicted was over a month before the date of the examination.^[55] It is exactly this uncertainty that belies appellant's argument. Notably, the examining doctor herself said that she could not tell exactly when the lacerations were inflicted.^[56] Furthermore, lacerations, whether healed or fresh, are the best physical evidence of forcible defloration.^[57] Here, the doctor found not only one, but three, lacerations.^[58]

The Presence of the Element of Force in the Perpetration of Rape

Appellant's argument that the degree of force employed against AAA was not enough to have cowed her into submission^[59] fails to convince.

Force in rape cases is defined as "power, violence or constraint exerted upon or against a person."^[60] In *People v. Maceda*,^[61] cited by the CA, the court explained the standards for evaluating the force employed in rape:

x x x.[I]t is not necessary that the force and intimidation employed in accomplishing it be so great or of such character as could not be resisted. It is only necessary that the force or intimidation be sufficient to consummate the purpose which the accused had in mind. x x x.

Here, appellant used force through physical power and constraint by covering the mouth of AAA, placing her arms behind her back, and pinning her down with his body.^[62] The presence of force is further bolstered by AAA's testimony that she struggled and fought back in vain.^[63] Appellant used his physical advantage to overpower the 14-year-old girl and have carnal knowledge of her.

Appellant's Unconvincing Defense of Denial and Alibi

In his defense, appellant simply denies the charge of rape and gives the lame excuse that he was at home during the entire period when the crime was allegedly committed.

He relies on *People v. Baro*^[64] to bolster his defense that alibi is not always a weak