

FIRST DIVISION

[G.R. No. 181699, November 28, 2012]

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. JERRY BATULA, ALIAS "CESAR," ACCUSED-APPELLANT.

D E C I S I O N

LEONARDO-DE CASTRO, J.:

For Our resolution is the appeal filed by accused-appellant Jerry Batula, *alias* Cesar (Batula), from the Decision^[1] dated July 30, 2007 of the Court of Appeals in CA-G.R. CEB-CR-H.C. No. 00574, which affirmed with modification the Decision^[2] dated December 10, 2003 of the Regional

Trial Court (RTC) of Calbiga, Samar, in Criminal Case No. CC-2002-1392, finding Batula guilty of raping AAA.^[3]

Criminal Case No. CC-2002-1392 was initiated on October 7, 2002 when the City Prosecution Office of Calbiga, Samar, filed with the RTC an Information^[4] charging Batula as follows:

That on or about the 26th day of April, 2002, at around 7:00 A.M., more or less, in x x x and within the jurisdiction of this Honorable Court, the above-named accused, armed with a bladed weapon locally known as 'sundang', with lewd design and lustful intent, by means of force, threats and intimidation, did then and there wil[l]fully, unlawfully and feloniously had carnal knowledge with the helpless complainant, AAA, against her will and consent.

During his arraignment on October 17, 2002, Batula pleaded "not guilty."^[5]

Trial proper ensued.

The prosecution presented the testimonies of AAA,^[6] the victim; BBB,^[7] the mother of AAA; Samuel Labanda (Labanda),^[8] an eyewitness to the circumstances immediately following the rape; and Dr. Felino Gualdrapa (Dr. Gualdrapa),^[9] the physician who conducted the physical examination of AAA. Their testimonies established the following version of events.

On April 26, 2002, AAA, then nine years old, went with her mother BBB and father CCC to their farm in Barangay Canano, Hinabangan, Samar. Upon arrival at the farm at around 7:00 a.m., BBB ordered AAA to get the lighter from their nipa hut located at the other side of a hill. On her way back to where her parents were, AAA

met Batula. Batula asked AAA for directions going to Barangay Canano. After answering Batula's questions, AAA resumed walking but she noticed that Batula was following her. Without any warning, Batula seized AAA and flung AAA to a creek that had nearly dried. AAA felt pain in her back. Batula made stabbing motions with his bolo, at the same time threatening AAA that "[i]f you will not undress yourself, I will stab you." Fearing for her life, AAA stripped off her *sando* and shorts. Batula also stripped himself naked. After lubricating his penis with his own saliva, Batula drove his penis into AAA's vagina. Severe pain wracked AAA's whole body, but unmindful of AAA's agony, Batula moved in a push and pull motion. However, Batula was interrupted when CCC, looking for his daughter, shouted, "Where are you, AAA?" Upon hearing CCC, Batula hurriedly picked up his bolo and clothes and left. AAA quickly dressed up and when she saw CCC, she immediately told her father that she had been raped. CCC searched for the perpetrator while AAA returned to her mother BBB. BBB almost fainted when she removed AAA's shorts and saw blood dripping down AAA's legs.

Meanwhile, Labanda, who was in the vicinity, heard a muffled shout. Labanda was searching for the source of the sound when Batula suddenly passed by him naked. Batula was holding his short pants with his left hand to cover his front, and was carrying a bolo with his right hand. CCC thereafter arrived and he informed Labanda that his daughter AAA had been raped. Labanda prevented CCC from pursuing Batula for Batula was armed. Labanda had known Batula for a long time. Labanda and Batula's brother both lived in Barangay San Jose, Hinabangan, Samar, and Batula regularly visited his brother.^[10]

Dr. Gualdrapa, a physician at the Samar Provincial Hospital, affirmed before the RTC the results of his physical examination of AAA, as stated in his Medical Report/Certification dated April 26, 2002, to wit:

Vulva: (+) Redness – Swelling w/ blood clots noted; (+) lacerations approx. 0.75 cm at midline.

I/E : (+) Hymenal lacerated wounds, fresh at 12:00, 1:00, 4:00, 6:00, 8:00, 9:00, [and] 11:00 o'clock positions.^[11]

Dr. Gualdrapa opined that the hymenal lacerations were inflicted within 48 hours preceding AAA's examination because of the presence of blood clots; and that said lacerations could have been caused by a blunt object such as a penis.

Batula and his brother, Gil Batula (Gil), testified for the defense. However, Gil's testimony was expunged from the records as he was killed sometime in August 2003, before he could be cross-examined by the prosecution.^[12]

Batula denied the charges against him. He claimed that on April 25, 2002, he went to the mountain forest with his brother Gil to gather pieces of wood they could use as posts, and they stayed on the mountain for three days. They even passed a marijuana plantation on the mountain on the second day, but they did not report what they had discovered to the police authorities. When they returned home, Batula learned from a certain Oday Cabigayan that somebody was raped and that he (Batula) was the suspect.^[13] The

RTC rendered its Decision on December 10, 2003 finding Batula guilty beyond reasonable doubt of raping AAA. The dispositive portion of the said decision reads:

The ineluctable conclusion is that, the accused, **JERRY BATULA Y SABLAN alias "Cesar"** is found guilty of **RAPE** as charged in the Information, beyond reasonable doubt, and he is sentenced to the penalty of **DEATH** through **LETHAL INJECTION**; to indemnify the victim, AAA, in the amount of Php50,000.00; to pay moral damages, in the amount of Php50,000.00 and exemplary damages in the amount of Php30,000.00 and to pay the costs.

Let the aforementioned accused be detained at the New Bilibid Prisons, Muntinlupa[,] Manila, until further orders.

The Acting Branch Clerk of Court is advised to proceed accordingly, in so far as the record herein is concerned.^[14]

When the record of the case was forwarded to us for review, we remanded the same to the Court of Appeals, conformably with our decision in *People v. Mateo*.^[15]

The Court of Appeals, in its Decision dated July 30, 2007, affirmed Batula's conviction by the RTC, but modified the penalty by reducing the death sentence to *reclusion perpetua*, without eligibility for parole, pursuant to Republic Act No. 9346. The appellate court decreed:

WHEREFORE, premises considered, the Decision dated December 10, 2003 and promulgated on January 8, 2004 of Branch 33, Regional Trial Court of Calbiga, Samar is **AFFIRMED WITH MODIFICATION** by reducing the meted penalty of death to *reclusion perpetua*, without eligibility to parole pursuant to R.A. No. 9346.^[16]

Hence, Batula appeals before us with the same assignment of errors raised before the Court of Appeals:

I

THE TRIAL COURT GRAVELY ERRED IN GIVING FULL FAITH AND CREDENCE TO THE INCREDIBLE TESTIMONY OF THE PROSECUTION'S WITNESSES, MOTHER AND DAUGHTER X X X.

II

THE TRIAL COURT GRAVELY ERRED IN CONVICTING THE ACCUSED OF THE CRIME CHARGED DESPITE THE FAILURE OF THE PROSECUTION TO PROVE HIS GUILT BEYOND REASONABLE DOUBT.^[17]

Batula assails the conflicting statements of AAA and her mother BBB. AAA testified that she did not know the name of the man who ravished her as that was the first time that she saw him. Yet, BBB narrated on the witness stand that AAA told her that she (AAA) had been raped by a man named Cesar. Batula asserts that such contradiction reveals the malicious intent of AAA's parents in implicating him in AAA's rape. Batula further imputes ill motive on the part of AAA's parents, averring that it was CCC, AAA's father, who was taking care of the marijuana plantation which Batula and his brother Gil discovered on the mountain, and that BBB and CCC were afraid that Batula might report the marijuana plantation to the authorities.^[18]

The Office of the Solicitor General, representing the State, insists that Batula's guilt was established beyond reasonable doubt by the credible testimonies of the prosecution witnesses.

Batula's appeal essentially challenges the credibility of the prosecution witnesses. The issue of credibility of witnesses is resolved primarily by the trial court since it is in a better position to decide the same after having heard the witnesses and observed their conduct, deportment and manner of testifying. Accordingly, the findings of the trial court are entitled to the highest degree of respect and will not be disturbed on appeal in the absence of any showing that it overlooked, misunderstood, or misapplied some facts or circumstances of weight or substance which would otherwise affect the result of the case.^[19] There is no exceptional reason herein for us to depart from the general rule.

As the RTC declared, AAA was straightforward, sincere, and very credible, as she recounted the rape incident on the witnesses stand:

Q You said, when you were going back to where your father and mother were, you met a person, and what did this person do when you met him?

x x x x

A The person asked me where the way to Brgy. Kanano is.

x x x x

Q And so, after that, what happened next?

A After that, while I proceeded on my way, I noticed that he was following me at my back.

Q After that, what happened next, if any?

A After that, I rested and suddenly, I was carried (ginsakmi), and I was thrown to a creek.

x x x x

Q Were you wet when you were thrown to the creek?

A Yes, sir.

Q After that, what did this person do?

A The person told me to undress myself and I obeyed because he was attempting to stab me.

Q Why? What was he armed or carrying then when you said he was trying to stab you?

A Sir, he was armed with a bolo.

x x x x

Q Why did you say that he was attempting to stab you, why, what was he doing?

A Because he said to me, "If you will not undress yourself, I will stab you."

Q So, what did you do with your clothing?

A So, I obeyed him and I undressed myself because I am afraid I might be stabbed.

x x x x

Q When you have already undressed yourself, what did this male person do, if any?

A I was held by this person to the place where there was no water and he also undressed himself.

x x x x

Q After this person undressed himself, what did this person do?

A The person put saliva to his penis.

Q After placing saliva into his penis, what did this person do? A He inserted his penis to my vagina.

Q And what did you feel when he inserted his penis to your sexual organ?

A I felt so much pain. (At this juncture, the voice of the witness has changed and the witness is now crying. The witness is wiping the tears with her dress while the public prosecutor continue asking the question)

Q What did he do while his penis was inside your sexual organ?

A While his penis was inside my vagina, the person continuously made his push and pull movement (sakyod), and I heard a call from my father. (Witness continue crying)