

THIRD DIVISION

[G.R. No. 181041, February 23, 2011]

PEOPLE OF THE PHILIPPINES, APPELLEE, VS. FABIAN G. ROMERO, APPELLANT.

D E C I S I O N

BRION, J.:

` We resolve the appeal from the July 3, 2007 decision^[1] of the Court of Appeals (CA) in CA-G.R. CR-H.C. No. 00970. The CA affirmed with modification the decision^[2] of the Regional Trial Court (RTC), Branch 43, Dagupan City, finding Fabian G. Romero (*appellant*) guilty beyond reasonable doubt of the special complex crime of rape with homicide, and sentencing him to suffer the death penalty.

On the evening of September 5, 2004, Joanna Pasaoa, a Grade 2 student, saw her friend, AAA,^[3] walking towards the appellant's house. Joanna followed AAA to the appellant's house, and saw her and the appellant watching television together. Thereafter, the appellant instructed Joanna to buy a bottle of Red Horse beer. Joanna handed the bottle of beer to the appellant when she returned, and then went home.

After a while, Joanna decided to go back to the appellant's house to pickup AAA. When she was about four (4) meters away from the appellant's house, she saw the appellant outside his house repeatedly stabbing AAA. Joanna ran away and reported the incident to her mother.

At around 8:00 p.m. of the same day, BBB, AAA's father, went to his brother-in-law, CCC, and asked the latter to help him search for AAA. When they passed by the appellant's place, they saw the appellant pouring liquid into a fire. They approached the appellant, but the latter fled towards his house.

BBB and CCC inspected what the appellant was burning, and saw partially burnt grasses and clothes. Thereafter, they saw AAA's lifeless body covered with grass, one (1) meter away from the fire. AAA's body was half-naked and partially burnt; it also bore multiple stab wounds.

CCC lifted AAA's body, while BBB stayed and shouted invectives at the appellant. Thereafter, the townspeople and *barangay* officials arrived and surrounded the appellant's house. Soon after, the police came and arrested the appellant.

The prosecution charged the appellant before the RTC with the special complex crime of rape with homicide. The appellant denied the charges against him, and claimed that he was drinking with his buddies until 8:30 p.m. on September 5, 2004.

The RTC found the appellant guilty beyond reasonable doubt of the crime charged, and imposed the death penalty. It also ordered the appellant to pay the victim's heirs the following amounts: P75,000.00 as civil indemnity; P50,000.00 as moral damages; and P40,000.00 as exemplary damages.

On appeal, the CA affirmed the RTC decision with the following modifications: (1) the penalty of death was reduced to *reclusion perpetua* without eligibility for parole; (2) civil indemnity was increased to P100,000.00; (3) moral damages was increased to P75,000.00; (4) exemplary damages was increased to P100,000.00; and (5) the appellant was further ordered to pay the victim's heirs P25,000.00 as temperate damages.

The CA held that Joanna positively identified the appellant as the person who repeatedly stabbed the victim. It also gave weight to the physician's finding that the victim had been sexually abused before she was killed. It further ruled that the pieces of evidence obtained at the appellant's house were admissible.

We deny the appeal, but reduce the amount of exemplary damages.

In the special complex crime of rape with homicide, both the rape and the homicide must be established beyond reasonable doubt.^[4] The prosecution for this crime is particularly difficult since the victim can no longer testify against the perpetrator of the crime.^[5] Thus, resort to circumstantial evidence is usually unavoidable.^[6]

Circumstantial evidence consists of proof of collateral facts and circumstances from which the main fact in issue may be inferred based on reason and common experience. Under Section 4, Rule 133 of the Revised Rules of Court, circumstantial evidence is sufficient for conviction if the following requisites concur: (a) there is more than one circumstance; (b) the facts from which the inferences are derived have been established; and (c) the combination of all the circumstances unavoidably leads to a finding of guilt beyond reasonable doubt.^[7] These circumstances must be consistent with one another, and the only rational hypothesis that can be drawn therefrom must be the guilt of the accused.

In the present case, no one witnessed AAA being raped. Nonetheless, the following circumstances form a solid and unbroken chain of events that leads us to conclude beyond reasonable doubt that the appellant had raped the victim: first, AAA and the appellant were seen watching television together at the latter's house; second, AAA's half-naked, partially burnt and lifeless body was seen outside the appellant's house, one (1) meter away from where the appellant had been seen burning clothes; third, AAA's legs were spread apart, and the labia of her private part was gaping when her body was found; fourth, Dr. Jesus Arturo De Vera, the Municipal Health Officer of Calasiao, Pangasinan, testified that AAA had hymenal lacerations at 4, 7 and 10 o'clock positions, and anal lacerations at 7 and 10 o'clock positions; fifth, Dr. De Vera stated that AAA's anal and hymenal lacerations could have been caused by a hard object like an erect penis; sixth, Nerigo Daciego, the Medico-Legal Officer of the Philippine National Police (PNP) Crime Laboratory, saw positive signs of anal and vaginal penetrations on AAA; and finally, Daciego testified that AAA had been raped when she was still alive due to the presence of amucosal erosion on her anal and vaginal tissues.