

## **FIRST DIVISION**

**[ G.R. No. 194379, June 01, 2011 ]**

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.  
FELICIANO "SAYSOT" CIAS, ACCUSED-APPELLANT.**

### **D E C I S I O N**

**VELASCO JR., J.:**

#### **The Case**

This is an appeal from the April 30, 2010 Decision<sup>[1]</sup> of the Court of Appeals (CA) in CA-G.R. CR-H.C. No. 00075, which affirmed the January 31, 2003 Decision in Criminal Case No. 14791<sup>[2]</sup> of the Regional Trial Court (RTC), Branch 37 in Dumaguete City. The RTC convicted accused Feliciano "Saysot" Cias (Cias) of rape.

#### **The Facts**

The charge against the accused stemmed from the following Information:

That at about nine o'clock in the evening of April 1, 2000 at [PPP],<sup>[3]</sup> Negros Oriental, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused by means of force, threat and intimidation, the accused holding a scythe and forcibly removed the panty of [AAA] who was then resting inside the house with her child and while her husband was away and did, then and there willfully, unlawfully and feloniously have succeeded a sexual intercourse with said [AAA] against her will and consent.

Contrary to Articles 266-A and 266-B, Section 2 of RA 8353, otherwise known as the Anti-Rape Law of 1997, amending the Revised Penal Code.

<sup>[4]</sup>

On January 29, 2001, Cias, with the assistance of his counsel, was arraigned, and he pleaded "not guilty" to the charge against him. After the pre-trial, trial on the merits ensued.

During the trial, the prosecution offered the testimonies of the private complainant; Dr. Stephen S. Estacion (Dr. Estacion), who conducted the medico-legal examination on AAA; and Senior Police Officer 3 Georgen Barot Sefe (SPO3 Sefe). On the other hand, the defense presented as witnesses accused Cias and his wife, Felina Cias.

#### **The Prosecution's Version of Facts**

AAA and her common-law husband lived together with her two children in PPP, Negros Oriental. For two years, they had been neighbors with Cias. Their houses were just 30 meters apart.<sup>[5]</sup>

In the evening of April 1, 2000, AAA and her children were already sleeping in their house.<sup>[6]</sup> Her husband was not there that night as he had gone to the *poblacion*<sup>[7]</sup> to look for work, while her father-in-law, who used to sleep in their house, was not around.<sup>[8]</sup>

At around 9:00 p.m., AAA was awakened from sleep by the feeling of hands covering her mouth. Upon waking up, she saw the accused kneeling on her legs. She was able to identify Cias clearly because the kerosene lamp in the bedroom shed light on his face.<sup>[9]</sup>

Cias then told her to be quiet or he would kill her and her children. All the while, Cias was holding a scythe in his right hand which he positioned close to her neck.<sup>[10]</sup>

With his right hand still holding the scythe to AAA's neck, Cias removed her panty with his left hand, tearing it and wounding her in the process. AAA tried her best to struggle and managed to kick Cias in the legs, but her efforts proved futile. Cias then had carnal knowledge with AAA, which AAA estimated to have lasted for an hour.<sup>[11]</sup> Cias only stopped when he heard his wife, Felina Cias, shouting, "You are all pigs! You are a bitch!" Cias then stood up and left the house to confront his wife.

After Cias had left, AAA hugged her children while they could hear Cias and his wife arguing. AAA then ran to the living room to shout for help but changed her mind, afraid that Cias and his wife might harm her and her children. Once the argument stopped, AAA noticed that it was already 10:00 p.m. as reflected in the wall clock hanging in the living room.<sup>[12]</sup> She also noticed that the living room window had been forced open, thereby concluding that Cias must have entered through the said window.

The following day, AAA kept her silence. But on the second day, April 3, 2000, she decided to tell her common-law husband what had happened so she went to the *poblacion* to look for him. Upon finding him, AAA narrated the incident to him, after which, they proceeded to the police station to report it. Likewise, they informed policeman Alex Tizon (Tizon), who hired Cias to tend to his livestock, of the said incident. Tizon then advised AAA to see a physician and submit herself to a physical examination.<sup>[13]</sup>

AAA went to Dr. Estacion, the Municipal Health Officer of PPP, who conducted the medico-legal examination on her. His examination revealed the presence of white muroid discharges in her vaginal opening which are normally produced when there is sexual contact or when a woman is nearing the ovulation phase of her menstrual cycle.<sup>[14]</sup> Further, the laboratory microscopic examination also revealed the absence of spermatozoa in AAA's cervical os.<sup>[15]</sup> However, Dr. Estacion clarified in his testimony that even if there had been actual sexual contact during which sperm was deposited in the vagina, it would have degenerated already on the second day

making it harder to find.<sup>[16]</sup> Similarly, he noted a linear abrasion at the left side of AAA's abdomen, which was probably caused by a blunt object or a fingernail, and not a scythe.<sup>[17]</sup> No other injury was noted on the body of AAA.

The final witness, SPO3 Sefe, corroborated AAA's testimony that on April 3, 2000, the couple arrived at the police station and reported an alleged rape. She also advised AAA to have herself examined by a doctor. SPO3 Sefe recorded the reported incident in the station's police blotter.<sup>[18]</sup>

### **Version of the Defense**

Cias, on the other hand, denied the allegations and said that the sexual intercourse was consensual, to wit:

Cias testified that he and AAA had been carrying an illicit affair for about six months. He alleged that in all their previous assignations, she submitted herself to him voluntarily and willingly on each occasion that they had sexual intercourse.

In the evening of April 1, 2000, Cias and AAA had agreed to meet at AAA's house at 9:00 p.m. When he arrived, they talked for a while then engaged in sexual intercourse. They did the "69" position on the living room floor so as not to awaken the children sleeping in the bedroom.<sup>[19]</sup>

Their lovemaking was, however, interrupted by a voice coming from outside the house, screaming, "You have no pity, you are animals! You are pigs!" Cias then patted AAA's buttocks and told her that it was his wife shouting.<sup>[20]</sup> They hurriedly put their clothes on and Cias left to confront his wife. Cias and his wife argued for a while before proceeding to their own house.<sup>[21]</sup>

Cias' testimony was corroborated by his wife, Felina Cias. In her testimony, she stated that on April 1, 2000, Cias left their house at around 9:00 p.m. supposedly to get the carabao he was tending in a nearby pasture. When he did not return after an hour, she decided to look for him. On the way, she passed by the house of AAA and heard familiar voices emanating from it. As she drew closer, she recognized AAA's voice saying, "Let's go away," but she did not hear any reply.<sup>[22]</sup>

Curious, she peeped through a hole in the wall below the windows of the living room. To her great dismay, she saw Cias and AAA doing the "69" position. She screamed epithets at them and left. Cias followed her and, subsequently, asked for her forgiveness.<sup>[23]</sup>

Enraged by the events, Felina Cias went to the *poblacion* the next day to narrate the incident to AAA's common-law husband. When she told him what happened, he showed no visible reaction to her story. Instead, he requested her to bring food supplies to AAA and her children.<sup>[24]</sup> She later learned that the couple had filed the instant case against her husband.

Although she had suspected that her husband and AAA were having an affair, Felina was not really sure about it until she saw them that night. She further testified that Cias never went to AAA's house alone. This was the very first time. In the past, both

she and Cias went over to AAA's house to listen to daytime drama programs on the radio. During these times, she would notice AAA give her husband penetrating looks but the two never spoke to each other in her presence.<sup>[25]</sup> Her suspicions were sufficiently aroused but she did not confide them to anyone.

### **Ruling of the Trial Court**

After trial, the RTC convicted the accused. The dispositive portion of its January 31, 2003 Decision reads:

WHEREFORE, accused FELICIANO "Saysot" CIAS is hereby declared GUILTY beyond reasonable doubt of the crime of rape and sentenced to suffer the supreme penalty of DEATH; and he is directed to indemnify [AAA] the sum of Fifty Thousand (-P- 50,000.00) Pesos as moral damages, Seventy-Five Thousand (-P- 75,000.00) Pesos as civil indemnity, and to pay the costs.

SO ORDERED.<sup>[26]</sup>

On appeal to the CA, the accused disputed the trial court's finding him guilty beyond reasonable doubt of the crime charged. He argued that the allegations of the private complainant are improbable and contrary to human experience, resulting in the failure of her case to meet the test of moral certainty required in order to prove his guilt beyond reasonable doubt.

### **Ruling of the Appellate Court**

On April 30, 2010, the CA affirmed the judgment of the RTC. It found that the RTC's assessment of the credibility of the private complainant deserved respect. It also found AAA's testimony to be consistent and straightforward. Hence, it did not see any reason to deviate from the ruling of the trial court.

The dispositive portion of the CA Decision reads:

**WHEREFORE**, the Decision of the Regional Trial Court of Dumaguete City, Branch 37, dated January 31, 2003, in Criminal Case No. 14791, finding appellant Feliciano Cias @ "Saysot" guilty beyond reasonable doubt of rape is **AFFIRMED with MODIFICATIONS** to the effect that he is sentenced to suffer the penalty of *reclusion perpetua* and ordered to pay private offended party [AAA] the amount of P30,000.00 as exemplary damages in addition to the amounts of P75,000.00 as civil indemnity and P50,000.00 as moral damages.

SO ORDERED.<sup>[27]</sup>

### **The Issue**

Cias now comes before this Court with the lone assignment of error, contending that

"[t]he court *a quo* erred in finding that the guilt of the accused-appellant for the crime [charged] has been proven beyond reasonable doubt."<sup>[28]</sup>

### **The Court's Ruling**

We sustain accused-appellant's conviction.

In his *Brief*, accused-appellant argues that the trial court should not have received the lone testimony of the private complainant with precipitate credulity because it does not bear the stamp of truth and candor of a narration of actual events.

He points out three (3) alleged flaws in her testimony. *First*, private complainant's testimony stated that he used a scythe around her neck. In fact, she said that the scythe was already touching her neck. Accused-appellant argues that if such allegation were true, the private complainant would have sustained an injury in the neck area but none was found. *Second*, in her testimony, private complainant avers that she was not able to free herself from accused-appellant because, according to her, he was kneeling on her two legs. Again, accused-appellant points out that if this were true, private complainant would have sustained hematomas on her legs due to the pressure applied on them. However, the physical examination conducted on her did not show any. And *third*, accused-appellant cites numerous circumstances in private complainant's testimony, which would reveal several telltale signs that the sexual intercourse that transpired between them was consensual and pre-arranged. One such circumstance is the absence of both the common-law husband and the father-in-law.

The arguments are bereft of merit.

In determining the guilt or innocence of the accused in rape cases, the Court is guided by the following principles:

(1) an accusation of rape can be made with facility and while the accusation is difficult to prove, it is even more difficult for the person accused, though innocent, to disprove the charge; (2) considering that, in the nature of things, only two persons are usually involved in the crime of rape, the testimony of the complainant should be scrutinized with great caution; and (3) the evidence of the prosecution must stand or fall on its own merit, and cannot be allowed to draw strength from the weakness of the evidence for the defense.<sup>[29]</sup>

Inasmuch as the crime of rape is essentially committed in relative isolation or even secrecy, it is usually only the victim who can testify with regard to the fact of the forced sexual intercourse. Therefore, in a prosecution for rape, the credibility of the victim is almost always the single and most important issue to deal with. Thus, if the victim's testimony meets the test of credibility, the accused can justifiably be convicted on the basis of this testimony; otherwise, the accused should be acquitted of the crime.<sup>[30]</sup>

More importantly, appellate courts do not disturb the findings of the trial courts with regard to the assessment of the credibility of witnesses.<sup>[31]</sup> The reason for this is