

SECOND DIVISION

[G.R. No. 183453, March 09, 2010]

**PEOPLE OF THE PHILIPPINES, APPELLEE, VS. DANILO PACULBA,
APPELLANT.**

D E C I S I O N

PEREZ, J.:

On appeal is the Decision^[1] of the Court of Appeals dated 29 April 2008 in CA-G.R. CR-HC No. 00280, affirming with modification the Decision^[2] of the Regional Trial Court (RTC) of Kapatagan, Lanao del Norte, Branch 21, finding appellant Danilo Paculba, guilty beyond reasonable doubt of the crime of Qualified Rape and Attempted Rape.

Appellant was charged with four (4) counts of qualified rape in the Informations which read as follows:

Criminal Case No. 21-1220

That sometime in the month of June, 2002 at [xxx,xxx],^[3] Lanao del Norte, Philippines and within the jurisdiction of this Honorable Court, the above-named accused did then and there willfully, unlawfully and feloniously have carnal knowledge upon one [AAA],^[4] a minor 12 years of age and who is accused's own daughter, against her will and consent, which acts of the accused debases, degrades and demeans the intrinsic worth and dignity of said child as a human being.

Contrary to and in VIOLATION OF R.A. 8353 in relation to R.A. 7610.

Criminal Case No. 21-1221

That sometime in the month of August, 2002 at [xxx,xxx], Lanao del Norte, Philippines and within the jurisdiction of this Honorable Court, the above-named accused did then and there willfully, unlawfully and feloniously have carnal knowledge upon one [AAA], a minor 12 years of age and who is accused's own daughter, against her will and consent, which acts of the accused debases, degrades and demeans the intrinsic worth and dignity of said child as a human being.

Contrary to and in VIOLATION OF R.A. 8353 in relation to R.A. 7610.

Criminal Case No. 21-1222

That sometime in the month of November, 2002 at [xxx,xxx], Lanao del

Norte, Philippines and within the jurisdiction of this Honorable Court, the above-named accused did then and there willfully, unlawfully and feloniously have carnal knowledge upon one [AAA], a minor 12 years of age and who is accused's own daughter, against her will and consent, which acts of the accused debases, degrades and demeans the intrinsic worth and dignity of said child as a human being.

Contrary to and in VIOLATION OF R.A. 8353 in relation to R.A. 7610.

Criminal Case No. 21-1223

That sometime in the month of January[,] 2003 at [xxx,xxx], Lanao del Norte, Philippines and within the jurisdiction of this Honorable Court, the above-named accused did then and there willfully, unlawfully and feloniously have carnal knowledge upon one [AAA], a minor 12 years of age and who is accused's own daughter, against her will and consent, which acts of the accused debases, degrades and demeans the intrinsic worth and dignity of said child as a human being.

Contrary to and in VIOLATION OF R.A. 8353 in relation to R.A. 7610.

In addition, an Information was filed charging appellant with attempted rape. The accusatory portion reads:

Criminal Case No. 21-1219

That on or about the 21st day of November[,] 2003, at [xxx, xxx], Lanao del Norte, Philippines and within the jurisdiction of this Honorable Court, the above-named accused did then and there willfully, unlawfully and feloniously commence the commission of the crime of rape directly by overt acts, to wit: that while complainant [AAA], a minor 12 years of age and who is accused's own daughter, was sleeping inside their house, the said accused removed her short pants and panty, placed himself on top of her without underwear, with the intention of having carnal knowledge of her, but did not perform all the acts of execution which should have produced the crime of rape as a consequence by reason of some cause or accident other than his own spontaneous desistance, that is, the timely awakening of said complainant who was able to push the accused and run away.

CONTRARY to and in VIOLATION OF R.A. 8353 in relation to Article 6 of the Revised Penal Code and R.A. 7610.^[5]

Appellant pleaded not guilty to all the charges. Trial on the merits ensued.

Testifying for the prosecution, AAA, who was only twelve (12) years old at the time of the commission of the crimes, recounted all the harrowing details which transpired in June, August, November 2002, January 2003, and 21 November 2003. In the first four (4) occasions, AAA narrated that while she was sleeping inside her

grandparents' house during the night, appellant suddenly covered her mouth, removed her pants and panty, and placed his body on top of her. Appellant then allegedly inserted his penis into AAA's vagina and she felt pain. She, however, kept the incidents to herself out of fear.^[6] Finally, on 21 November 2003, at around 10:00 p.m., AAA mustered courage to resist appellant's advances. When appellant removed his brief and attempted to place his body on top of AAA's, the latter pushed him away and ran towards the room of her grandmother, BBB.^[7] AAA told BBB about how appellant tormented her. BBB went out to look for appellant, who was able to escape by jumping out of the window. When appellant returned to the house, CCC,^[8] AAA's grandfather, wanted to hack him but the latter threatened to chop CCC into pieces. Thereafter, appellant left the house.^[9]

On the following morning, AAA, accompanied by CCC, went to report the incident first to the *barangay* captain and then to the police.

AAA was subjected to a physical examination by Dr. Ava Liwanag on 3 November 2003. Her findings were contained in a medico-legal report which states:

No hematoma, no abrasion, no contusion seen
Hymen severely lacerated (old)
Vaginal rugal slightly exposed.^[10]

During the direct examination, Dr. Liwanag concluded that AAA had sexual intercourse on several times.^[11]

Mrs. Amparo Baydal, the Municipal Civil Registrar of xxx, Lanao del Norte, testified on the genuineness of the entries in the certified true copy of AAA's birth certificate.

The prosecution presented a certified true copy of AAA's birth certificate to show that she was born on 23 January 1980, and that her father is Danilo Paculba.^[12]

On the other hand, appellant interposed alibi as his defense. He claimed that in June 2002, the date when the first rape was apparently committed, he lived in the house of a certain Nadong Tabias situated in Magsaysay, Lanao del Norte. In August 2002, appellant declared that he was in Cebu working as a quack doctor. In November 2002, he stated that he was in Malabang, Lanao del Sur. In January 2003, he purportedly went back to Magsaysay, Lanao del Norte. And on 21 November 2003, appellant said that he was living in the house of Baking Dumasig in Tangub, Lanao del Norte. He denied the accusations of AAA and intimated that the relatives of his deceased wife blamed him for the death of his wife, hence these cases were filed against him.^[13]

Appellant was found guilty by the RTC of four (4) counts of rape and one (1) count of attempted rape. The dispositive portion of the decision reads:

WHEREFORE, in view of the foregoing considerations, judgment is hereby rendered:

a) finding accused DANILO PACULBA guilty beyond reasonable doubt for raping AAA in June, 2002, and the Court hereby sentences him to death by lethal injection and to indemnify AAA in the amount of P75,000.00;

b) finding accused DANILO PACULBA guilty beyond reasonable doubt for raping AAA in August, 2002, and the Court hereby sentences him to death by lethal injection and to indemnify AAA in the amount of P75,000.00;

c) finding accused DANILO PACULBA guilty beyond reasonable doubt for raping AAA in November, 2002, and the Court hereby sentences him to death by lethal injection and to indemnify AAA in the amount of P75,000.00;

d) finding accused DANILO PACULBA guilty beyond reasonable doubt for raping AAA in January, 2003, and the Court hereby sentences him to death by lethal injection and to indemnify AAA in the amount of P75,000.00; and

e) finding accused AAA guilty beyond reasonable doubt for attempting to rape AAA on 21 November 2003, and the Court hereby sentences him to suffer an indeterminate prison term of 6 years and 1 day of *prision mayor* as minimum to 12 years and 1 day of *reclusion temporal* as minimum.^[14]

The trial court gave full credence to the testimony of AAA and found her answers to be "simple and candid, and were all reinforced and sufficiently explained by succeeding ones."^[15] Appellant's alibi was dismissed for being weak and unsubstantiated.^[16]

In view of the penalty imposed, the case was elevated to this Court for review. However, conformably with our decision in *People v. Mateo*,^[17] the case was transferred to the Court of Appeals for appropriate action and disposition.^[18]

The Court of Appeals affirmed with modification the judgment of the trial court, *viz*:

WHEREFORE, in light of the foregoing, the Decision dated December 29, 2004 of the Regional Trial Court, 12th Judicial Region, Branch 21, Kapatagan, Lanao del Norte, is hereby AFFIRMED with MODIFICATIONS. Accused-appellant Danilo Paculba is SENTENCED to the penalty of *reclusion perpetua* with no possibility of parole for each of the four (4) counts of qualified rape committed against AAA in Criminal Case Nos. 21-1220, 21-1221, 21-1222 and 21-1223. Accused-appellant is further ORDERED to indemnify AAA for each count of qualified rape, in the amounts of P75,000.00 as civil indemnity, P75,000.00 as moral damages and P25,000.00 as exemplary damages.

For the crime of attempted rape committed against AAA in Criminal Case

No. 21-1219, accused-appellant is hereby SENTENCED to an indeterminate penalty of two (2) years, four (4) months and one (1) day of *prision correccional* as minimum, to eight (8) years and one (1) day of *prision mayor* as maximum. In addition, accused-appellant is ORDERED to indemnify AAA for the crime of attempted rape, in the amounts of P30,000.00 as civil indemnity, P25,000.00 as moral damages and P10,000.00 as exemplary damages. With costs.^[19]

The appellate court found AAA's testimony credible and consistent with the medical findings that she was raped.

Appellant filed a notice of appeal on 29 May 2008.

In the Resolution of 27 August 2008, this Court gave due course to the appeal and ordered the respective parties to file their supplemental briefs.^[20] Both parties manifested that they shall adopt their briefs filed before the appellate court.^[21] Thereafter, the case was deemed submitted for decision.

In his brief, appellant essentially questions the credibility of AAA. He argues that AAA's account of each rape was devoid of any distinctive detail which would render her testimony spontaneous and candid.^[22] Appellant also points out that the date when the alleged attempted rape was committed, or on 21 November 2003, cannot be reconciled with the date when AAA was examined by the medico-legal expert, which was on 3 November 2003.^[23] Moreover, appellant claims that the existence of erasures on entries in AAA's birth certificate renders the document doubtful and, thus, did not sufficiently establish the real age of AAA.^[24]

The Office of the Solicitor General, in its brief, vouches for the credibility of AAA. Furthermore, it belies appellant's defense of denial because it was not corroborated by any other witness.^[25]

The lone issue to be resolved by this Court is whether appellant's guilt has been proven beyond reasonable doubt.

We completely agree with the findings of the Court of Appeals, particularly on the credibility of the rape victim.

In a prosecution for rape, the victim's credibility becomes the single most important issue. For when a woman says she was raped, she says in effect all that is necessary to show that rape was committed; thus, if her testimony meets the test of credibility, the accused may be convicted on the basis thereof.^[26]

The rule is settled that the trial court's findings on the credibility of witnesses and of their testimonies are entitled to the highest respect and will not be disturbed on appeal, in the absence of any clear showing that the court overlooked, misunderstood or misapplied some facts or circumstances of weight and substance which would have affected the result of the case. This is because the trial court, having seen and heard the witnesses themselves, and observed their behavior and manner of testifying, is in a better position to decide the question of credibility.^[27]