

## SECOND DIVISION

[ G.R. No. 188600, July 13, 2010 ]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.  
MARCOS QUIROS Y SEMBRANO, ACCUSED-APPELLANT.**

### D E C I S I O N

**MENDOZA, J.:**

This is an appeal from the June 18, 2008 Decision<sup>[1]</sup> of the Court of Appeals (CA), in CA-G.R. CR H.C. No. 02682, affirming with modification the Decision<sup>[2]</sup> of the Regional Trial Court of Dagupan City, Branch 43, which found the accused, Marcos Quiros y Sembrano, guilty beyond reasonable doubt of having committed statutory rape<sup>[3]</sup> against the 9-year-old EMA.<sup>[4]</sup>

The accusatory portion of the Information<sup>[5]</sup> dated August 26, 2006 reads:

That on or about the 24<sup>th</sup> day of August, 2006, in the City of Dagupan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, MARCOS QUIROS y SEMBRANO, with lewd design, did then and there willfully, unlawfully and criminally have carnal knowledge upon one EMA, who is under 12 years of age, to the damage and prejudice of the latter.

Contrary to Article 266-A, par. 1(d) of R.A. 8353.

Upon arraignment, the accused pleaded not guilty to the charge. The parties stipulated on the respective identities of EMA and the accused, as well as EMA's minority.

During the trial, the prosecution presented, as witnesses, EMA herself; YYY,<sup>[6]</sup> the mother of EMA; Dr. Mary Gwendolyn M. Luna, the physician who medically examined EMA; and PO2 Jailine De Guzman Aquino, the police officer who received and investigated the complaint of EMA.

The thrust of the evidence of the prosecution, as summarized in the Appellee's Brief,<sup>[7]</sup> is as follows:

The victim EMA and the accused-appellant Marcos Quiros y Sembrano knew each other well as they are both residents of xxx, xxx,<sup>[8]</sup> Dagupan City, and are in fact immediate neighbors. At the time of the complained incident, EMA was [nine (9)] years old. (Exh. B)

On August 24, 2006, at around 3 o'clock in the afternoon, EMA was on top of the guava tree inside the residential compound of the accused. From below she heard the accused calling and instructing her to go down from the guava tree, uttering the words "*Halika dito, mag-iyotan tayo*" which means "Come here, let's have sex."

Without realizing the significance of what the accused uttered and afraid that the appellant might cause her to fall from the guava tree, EMA acceded to the accused's instructions.

Quickly, the accused brought EMA to his house and into his son's room. While EMA was lying on the bed, the accused removed the latter's short and panty and inserted his erect penis into EMA's vagina. EMA felt great pain; thus she pushed back the accused who, thereafter, discontinued the sexual assault. Noticing blood in her vagina and on the accused's penis, EMA ran home and reported the incident to her mother.

On the same afternoon of August 24, 2006, the victim submitted her person to Dr. May Gwendolyn M. Luna of the Region I Medical Center, Dagupan City, who conducted a medical examination on her. Dr. Luna, thereafter, issued a medical legal certificate (Exhibit A) finding fresh abrasions at 7 o'clock hymenal area, fresh bleeding, deep hymenal laceration, edge bluish at 3, 4 o'clock, deep laceration at 6-7 o'clock and superficial laceration at 5 o'clock, *suggestive of sexual abuse*. All in all, EMA sustained four (4) deep lacerations and one (1) superficial laceration on her vagina.

That same afternoon, EMA, accompanied by her parents proceeded to Dagupan City Police Station to report the sexual assault (Exh. C), where she and her mother executed sworn statements on the incident (Exhibits D and E).

Those who testified for the defense were the accused, Marcos Quiros y Sembrano; his daughter, Mylene F. Quiros; and Rebecca Fernandez. The defense of the accused, as summarized in his Appellant's Brief,<sup>[9]</sup> is as follows:

On August 24, 2006, Mylene F. Quiros was alone in their house watching television. As she was watching, her father (accused), who was apparently drunk arrived. The latter sat down for a while and then instructed her to go upstairs because she was sleepy.

She did not notice if EMA entered their house since she was already upstairs. At around 3:00 o'clock p.m., she was awakened by the noise coming from the people outside. She later learned that her aunties were looking for her father for allegedly raping EMA.

On August 24, 2006, at around 3:00 o'clock in the afternoon, Rebecca Fernandez Paraiso, was in her house with the accused. Her house is about half (½) a kilometer away from the house of the accused.

The accused talked with her husband for about (2) hours or until past 3:00 o'clock p.m. When the accused left, he told her that he will be going home. She learned about the case against the accused at around 5:00 o'clock on the same day.

On August 24, 2006, at around 3:00 (sic) o'clock p.m., Marcos Quiros was at the house of his *kumadre*, Rebecca Paraiso, located at Bonuan Boqui[g], Dagupan City. The said place is half ( $\frac{1}{2}$ ) a kilometer from his house. He arrived at the house of his *kumadre* at around 1:30 o'clock p.m. and stayed there for about two and half ( $2\frac{1}{2}$ ) hours.

At past 3:00 o'clock p.m., he went back home. He was more or less eight (8) meters from his house when he was arrested by Chief Tanod Cayabyab. The latter informed him that a complaint for rape was filed against him. The witness reacted but was nonetheless placed on board a motorcycle.

He was brought to the barangay office, where he was made to wait for the arrival of members of the Bonuan police. Thereafter, he was brought to the police precinct.

In its January 29, 2007 Decision, the trial court convicted the accused of statutory rape. Thus, it disposed:

**WHEREFORE**, the Court finds the accused guilty beyond reasonable doubt for the felony charged and in conformity with law, he's sentenced to suffer the prison term of ***Reclusion Perpetua*** and to pay the victim the following, to wit:

1. *P50,000.00 as indemnity fee;*
2. *P30,000.00 as moral damages;*
3. *P20,000.00 as exemplary damages;*
4. *And costs.*

The BJMP-Dagupan City is ordered to commit the accused to the National Penitentiary in Muntinlupa, Metro Manila without unnecessary delay.

SO ORDERED.<sup>[10]</sup>

Aggrieved, the accused appealed to the Court of Appeals presenting this lone assignment of error:

**THE TRIAL COURT GRAVELY ERRED IN RENDERING A VERDICT OF CONVICTION DESPITE THE FACT THAT THE GUILT OF THE ACCUSED-APPELLANT WAS NOT PROVEN BEYOND REASONABLE DOUBT.**<sup>[11]</sup>

On June 18, 2008, the Court of Appeals affirmed with modification the judgment of conviction of the Regional Trial Court. The dispositive portion of the decision of the Court of Appeals reads:

**WHEREFORE**, the decision dated January 29, 2007 holding the accused appellant guilty of statutory rape, in Criminal Case No. 2006-0509-D of the RTC, Branch 43, Dagupan City, is **AFFIRMED** with **MODIFICATION** that the accused-appellant is ordered to pay private complainant EMA the increased amount of P50,000.00 as moral damages and P25,000.00 as exemplary damages, in addition to the P50,000.00 awarded by the RTC in favor of EMA as indemnity or compensatory damages.

**SO ORDERED.**<sup>[12]</sup>

Hence this appeal.<sup>[13]</sup>

In advocacy for his exoneration, the accused argues that the testimony of the victim that she went with him during the incident for fear that he might cause her to fall down from the tree is unbelievable. According to the accused, such fear on the part of the victim should have ceased after she had gone down from the tree and she had no more reason to go with him.<sup>[14]</sup>

By the distinctive nature of rape cases, conviction usually rests solely on the basis of the testimony of the victim, provided that such testimony is credible, natural, convincing, and consistent with human nature and the normal course of things. Accordingly, the Court has consistently adhered to the following guiding principles in the review of similar cases, to wit: (1) an accusation for rape can be made with facility; while the accusation is difficult to prove, it is even more difficult for the accused, though innocent, to disprove; (2) considering that, in the nature of things, only two persons are usually involved in the crime of rape, the testimony of the complainant must be scrutinized with extreme caution; and (3) the evidence for the prosecution must stand or fall on its own merits, and cannot be allowed to draw strength from the weakness of the evidence for the defense.<sup>[15]</sup>

After going over the evidentiary record, the Court finds no reason to disturb the decisions of the courts below.

The Court does not subscribe to the argument of the accused that just because EMA had come down from the tree, she had no more reason to be afraid and to follow what he said. It must be remembered that EMA was just 9 years old and was obviously innocent, unwary and too trusting as she meekly obeyed the instructions of the accused. The simplicity of her story should not detract from the veracity of her complaint. She has proved to be a credible witness, and her testimony, worthy of judicial acceptance.

Testimonies of child-victims are almost always given full weight and credit, since when a woman, more so if she is a minor, says that she has been raped, she says in effect all that is necessary to show that rape has been committed. Youth and

immaturity are generally badges of truth and sincerity.<sup>[16]</sup> Thus, the Court quotes with approval the disquisition of the appellate court on this score. Thus:

The fact that EMA freely went with the accused to the house of the latter after she went down from the guava tree should not be taken to mean that her account of the events is incredible. It must be noted that EMA was merely (9) years of age when the rape transpired. By her own admission, EMA did not even understand what accused-appellant said when he instructed her to have sexual intercourse with him. It is not ludicrous to think that an innocent and unsuspecting nine-year old girl would trust a grown-up neighbor enough to let him take her with him to his own home - especially if the girl lived only two houses away therefrom. Well-settled is the rule that the testimonies of young victims deserve full credence and should not be so easily dismissed as a mere fabrication.<sup>[17]</sup> (Citation omitted)

Considering the age of the complainant, the Court finds it improbable for a girl of her age to fabricate a charge so traumatic to herself and her family had she not been truly subjected to the painful experience of sexual abuse.<sup>[18]</sup> Under rigid cross-examination, she was steadfast in relating her ordeal and nightmarish experience at the hands of the accused. For accuracy, the details of her defilement are hereby reproduced as follows:

PROS. SOLOMON:

Q        You said awhile ago that when the accused brought you inside the room of his son Indong on August 24, 2006 at 3:00 in the afternoon and he raped you, how did he rape you?

A        He undressed me while in the room of his son, sir.

Q        What was your position when he undressed you?

A        I was lying down, sir.

COURT:

Q        What was your attire at that time?

A        Red dress, sir.

Q        Was it a T-shirt?

A        Yes, sir.

Q        How about your lower attire?

A        Blue short(s), sir.