640 Phil. 471

SECOND DIVISION

[G.R. No. 168103 [Formerly G.R. Nos. 155930-32], August 03, 2010]

PEOPLE OF THE PHILIPPINES, APPELLEE, VS. ALEJANDRO RELLOTA Y TADEO, APPELLANT.

D E C I S I O N

PERALTA, J.:

Youth and immaturity are generally badges of truth.[1]

For this Court's consideration is an appeal from the Decision[2] dated April 14, 2005 of the Court of Appeals (CA) in CA-G.R. C.R.-H.C. No. 00117, affirming, with modification, the Decision[3] dated August 8, 2002 of the Regional Trial Court (RTC) of Antipolo City, Branch 73, in Criminal Case Nos. 94-10812, 94-10813 and 94-10814, and finding appellant Alejandro T. Rellota, guilty beyond reasonable doubt of two (2) counts of consummated rape and one (1) count of attempted rape.

The antecedent facts are the following:

AAA,[4] the offended party, was born on July 16, 1981 in XXX, Eastern Samar and was a little over twelve (12) years old when the incidents allegedly happened.

Together with her siblings, BBB and CCC, AAA lived with her aunt, DDD, and the latter's second husband, appellant, in Antipolo City, Rizal from September 1992 to January 1994. Also living with them were two (2) of AAA's cousins. During that period, DDD and appellant were sending AAA, BBB and CCC to school. At the time the incidents took place, DDD was working overseas.

Based on the testimony of AAA, appellant had been kissing her and touching her private parts since September 1993. She claimed that appellant raped her several times between September 1993 and January 1994. She narrated that appellant would usually rape her at night when the other members of the family were either out of the house or asleep. AAA stated that she resisted the advances of appellant, but was not successful. Appellant, according to her, would usually place a bolo beside him whenever he would rape her. She added that appellant would threaten AAA by telling her that he would kill her brother and sister and that he would stop sending her to school.

Around noon of December 20, 1993, AAA took a bath at an artesian well near their house and after bathing, she wrapped her body with a towel before going inside their house. Appellant followed her to the bedroom, pulled down her towel and laid her on the bed. He tied her hands with a rope before forcibly inserting his penis inside her vagina. AAA fought back by kicking and scratching appellant, but the latter was not deterred. Thereafter, appellant untied the hands of AAA and left the

room. A few moments later, appellant returned in the bedroom and raped her again.

On January 31, 1994, the same incident happened. AAA went inside their room after taking a bath, not knowing that appellant was inside. Upon seeing her, appellant snatched the towel around her body and laid her down on the sofa. He kissed her and touched her private part, while AAA kicked him and scratched his arms. She was able to push him. After which, appellant ran out the door.

AAA, after that incident, told her older sister about the repeated deeds of the appellant. Afterwards, her sister accompanied AAA to the police station. On February 3, 1994, three (3) separate complaints for rape were filed against appellant with the trial court and was raffled in different branches.[5]

The Complaints read as follows:

> Criminal Case No. 94-10812
>
> That on or about and sometime during the month of December, 1993 in the Municipality of Antipolo, Province of Rizal, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, with lewd designs, did then and there willfully, unlawfully and feloniously by means of force and intimidation, have sexual intercourse with the undersigned complainant AAA, a minor 12 years of age, against the latter's will and consent.
>
> CONTRARY TO LAW.[6]
>
> Criminal Case No. 94-10813
>
> That on or about the month of September, 1993 in the Municipality of Antipolo, Province of Rizal, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, with lewd designs, did then and there willfully, unlawfully and feloniously by means of force and intimidation, have sexual intercourse with the undersigned complainant AAA, a minor twelve years of age, against the latter's will and consent.
>
> CONTRARY TO LAW.[7]
>
> Criminal Case No. 94-10814
>
> That on or about the 31st day of January, 1994 in the Municipality of Antipolo, Province of Rizal, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, with lewd designs, did then and there willfully, unlawfully and feloniously by means of force and intimidation, have sexual intercourse with the undersigned complainant AAA, a minor 12 years of age, against the latter's will and consent.
>
> CONTRARY TO LAW.[8]

Appellant, with the assistance of counsel *de oficio*, pleaded not guilty during arraignment.

Complainant AAA filed a Motion for the Consolidation[9] of the three complaints, which was eventually granted.[10]

Thereafter, trial ensued.

The prosecutor presented the testimonies of AAA and Dr. Rosaline Onggao, a medico-legal officer.

On the other hand, the defense presented the testimony of appellant who denied the charges against him. According to him, he could not think of any reason why the complainant filed the complaints. He also claimed that his sister-in-law, who helped the complainant file the charges was mad at him for not giving her a loan.

The trial court, in a Decision[11] dated August 8, 2002, found appellant guilty beyond reasonable doubt of three (3) counts of rape as alleged in the complaints, the dispositive portion of which reads:

> WHEREFORE, premises considered, accused ALEJANDRO RELLOTA y TADEO is hereby found guilty beyond reasonable doubt and is hereby sentenced to suffer the penalty of *Reclusion Perpetua* for each count in Criminal Case Nos. 94-10812, 10813 and 10814.
>
> The accused is further ordered to indemnify [AAA] in the amount of P50,000.00 for each of the three (3) Criminal Cases, or a total of P150,000.00.
>
> SO ORDERED.[12]

In not imposing the penalty of death, the trial court reasoned out that AAA was already over 12 years old at the time the incidents happened and that although she was below 18 years old, the relationship of AAA and the appellant had not been sufficiently established as the marriage between AAA's aunt and the appellant was not supported by any documentary evidence.

A Notice of Appeal was filed and this Court accepted[13] the appeal on July 16, 2003. However, in a Resolution[14] dated September 6, 2004, this Court transferred the case to the CA in conformity with *People of the Philippines v. Efren Mateo y Garcia*,[15] modifying the pertinent provisions of the Revised Rules on Criminal Procedure, more particularly Sections 3 and 10 of Rule 122, Section 13 of Rule 124, Section 3 of Rule 125 and any other rule insofar as they provide for direct appeals from the Regional Trial Courts to this Court in cases where the penalty imposed is death, *reclusion perpetua* or life imprisonment, as well as the Resolution of this Court *en banc*, dated September 19, 1995, in Internal Rules of the Supreme Court in cases similarly involving the death penalty, pursuant to the Court's power to promulgate rules of procedure in all courts under Article VIII, Section 5 of the

Constitution, and allowing an intermediate review by the Court of Appeals before such cases are elevated to this Court.

In a Decision[16] dated April 14, 2005, the CA affirmed, with modification, the Decision of the trial court, disposing it as follows:

> WHEREFORE, the Decision appealed from is hereby AFFIRMED in so far as appellant is found GUILTY of two (2) counts of consummated rape and sentenced to *reclusion perpetua* for each count in Criminal Case Nos. 94-10812 and 94-10813. The Decision is however MODIFIED as follows:
>
> 1. In Criminal Case No. 94-10814, appellant is found GUILTY beyond reasonable doubt of the crime of attempted rape and is sentenced to an indeterminate penalty of SIX (6) years of *prision correccional*, as minimum, to TEN (10) YEARS of *prision mayor*, as maximum. He is also ordered to pay AAA the amounts of P30,000.00 as civil indemnity and P15,000.00 as moral damages.
>
> 2. In Criminal Case Nos. 94-10812 and 94-10813, appellant is ordered to pay AAA the amount of P50,000.00 as moral damages for each count in addition to the amount of P50,000.00 already imposed as civil indemnity for each count.
>
> SO ORDERED.

Hence, the present appeal.

In his Brief[17] dated October 24, 2003, appellant assigned this lone error:

> THE TRIAL COURT GRAVELY ERRED IN NOT ACQUITTING HEREIN [APPELLANT] DESPITE THE FACT THAT AAA'S TESTIMONY WAS INCONSISTENT AND FULL OF FALSEHOODS.

Appellant claims that it was impossible for him to have raped AAA in September 1993 because his wife only left for Jeddah on October 21, 1993. He points out that AAA herself testified that he only kissed her, touched her breast and private parts, but failed to mention that he inserted his penis to her vagina. He also denied raping AAA on January 31, 1994 and December 20, 1993. He further claims that the filing of the criminal charges were instigated by AAA's aunt for his refusal to lend her money. In short, appellant assails the credibility of AAA's testimony as shown by its inconsistencies and falsehoods.

On the other hand, the Office of the Solicitor General (OSG), in its Brief[18] dated November 27, 2003, averred that the prosecution was able to satisfactorily prove that appellant raped the offended party in September and December 1993. It further stated that appellant used his moral ascendancy over the victim in having carnal knowledge of her against her will. The OSG also argued that the medical

report bolsters the victim's claim that she was repeatedly raped by appellant and that the latter's defense of denial is weak and deserves scant consideration.

In agreement with the CA Decision, the OSG posited that there is inadequate proof that the offended party was actually raped on January 31, 1994 and that the penalties imposed by the trial court should be adjusted in accordance with the crimes proved.

After a careful study of the arguments presented by both parties, this Court finds the appeal bereft of any merit.

A rape charge is a serious matter with pernicious consequences both for the appellant and the complainant; hence, utmost care must be taken in the review of a decision involving conviction of rape.[19] Thus, in the disposition and review of rape cases, the Court is guided by these principles: *first*, the prosecution has to show the guilt of the accused by proof beyond reasonable doubt or that degree of proof that, to an unprejudiced mind, produces conviction; *second*, the evidence for the prosecution must stand or fall on its own merits and cannot draw strength from the weakness of the evidence of the defense; *third*, unless there are special reasons, the findings of trial courts, especially regarding the credibility of witnesses, are entitled to great respect and will not be disturbed on appeal; *fourth*, an accusation of rape can be made with facility; it is difficult to prove but more difficult for the person accused, though innocent, to disprove; and, *fifth*, in view of the intrinsic nature of the crime of rape where only two persons are usually involved, the testimony of the complainant must be scrutinized with extreme caution.[20]

Appellant insists that the trial court erred in giving credence to the testimony of AAA. He claims that he could not have possibly raped AAA in September 1993 because, first, his wife was still in the Philippines and left for Jeddah, Saudi Arabia only on October 21, 1993; and second, based on the testimony of AAA, appellant merely kissed and touched her breasts and private parts, but never did she mention that he inserted his penis into her vagina.

The contentions are devoid of merit.

The claim of appellant that he could not have raped AAA because his wife was still in the country during the alleged period when the rape was committed is so flimsy that it does not deserve even the slightest consideration from this Court. It has been oft said that lust is no respecter of time or place. Neither the crampness of the room, nor the presence of other people therein, nor the high risk of being caught, has been held sufficient and effective obstacle to deter the commission of rape.[21] There have been too many instances when rape was committed under circumstances as indiscreet and audacious as a room full of family members sleeping side by side.[22] There is no rule that a woman can only be raped in seclusion.[23]

As to the contention of appellant that the testimony of AAA was barren of any statement that the former's penis was inserted in the latter's vagina is not quite accurate. AAA categorically stated during her testimony that she was raped, thus: