

FIRST DIVISION

[G.R. No. 173798, December 15, 2010]

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. RENE CELOCELO, ACCUSED-APPELLANT.

D E C I S I O N

LEONARDO-DE CASTRO, J.:

For review is the Decision^[1] of the Court of Appeals dated February 28, 2006, which affirmed with modification the Decision^[2] rendered by the Regional Trial Court (RTC), Branch 275, Las Piñas City, in Criminal Case No. 98-1079, finding accused-appellant Rene Celocelo (Celocelo) guilty beyond reasonable doubt of the crime of Rape as defined and penalized under Article 266-A, paragraph 1, in relation to Article 266-B, paragraph 2, of the Revised Penal Code, as amended by Republic Act No. 8353, imposing the penalty of *reclusion perpetua*, and ordering Celocelo to pay the offended party Fifty Thousand Pesos (P50,000.00) as civil indemnity and Fifty Thousand Pesos (P50,000.00) as moral damages.

On September 22, 1998, Celocelo was charged before the RTC for the crime of Rape. The accusatory portion of the Information reads:

That on or about the 26th day of July, 1998, in the City of Las Piñas, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, armed with knife and by means of force, violence and intimidation with lewd designs, did then and there willfully, unlawfully and feloniously have carnal knowledge with one [AAA] against her will and consent thereby subjecting her to sexual abuse.^[3]

Celocelo pleaded not guilty to the charge when he was arraigned on December 1, 1999.^[4] Trial on the merits followed the termination of the pre-trial conference.

The prosecution offered three witnesses: (1) Dr. Aurea P. Villena, Medico Legal Officer II of the National Bureau of Investigation (NBI), who personally examined AAA;^[5] (2) Senior Inspector Marilyn N. Samarita, the police investigator who requested the NBI to conduct the medico-legal examination on AAA; and (3) private complainant AAA, the 19-year-old victim. The defense had two witnesses: (1) Rene Celocelo, the accused; and (2) Edgardo de Vera, the accused's brother in law.

The prosecution first presented Dr. Aurea P. Villena, the Medico Legal Officer II of the NBI who conducted the physical examination on AAA on July 26, 1998. Her findings, as stated in the medico-legal report, are as follows:

FINDINGS

x x x x

PHYSICAL INJURIES:

Contusion, purplish, 0.5 cm x 1.0 cm., right breast.

GENITAL EXAMINATION:

Pubic hairs, fully grown, abundant. Labia majora and minora, gaping. Fourchette, lax. Vestibular mucosa, pinkish. Hymen, tall, thick, with an old healed complete laceration at 6:00 o'clock position corresponding to the face of a watch, edges rounded, non-coactable. Hymenal orifice admits a tube 2.0 cm. in diameter. Vaginal walls, lax. Rugosities, shallow.

CONCLUSIONS:

1. The above-described physical injury was noted on the body of the subject at the time of the examination.
2. Hymenal laceration present.^[6]

Dr. Villena also testified that after conducting a medico-legal examination on AAA, she took three vaginal smears from her and brought it to the laboratory for seminal examination.^[7] The results were recorded in Laboratory Report No. S-98-267.^[8] The report indicated that the vaginal smears gave a positive result for the presence of human spermatozoa. When the prosecutor asked Dr. Villena what this meant, she testified that positive semenology is highly indicative of recent sexual intercourse.^[9]

The second witness presented was Marilyn N. Samarita. She was the police investigator who requested the NBI to conduct a medico-legal examination on AAA. She was assigned as Chief of the Women and Children's desk at the Las Piñas City Police Station at the time AAA went to her office. She testified that she made the request when AAA came to her office to file a complaint.^[10] She also testified that AAA came back on July 29, 1998 to inform her that the results will be out the following day, July 30, but AAA will just come back on July 31 to give her statement as she was not yet ready.^[11]

The third witness who took the stand was the victim herself, AAA. She testified that on July 26, 1998, at around two o'clock in the morning, while she was sleeping in their house with her siblings, she was awakened by Celocelo, who covered her mouth, and told her "not to make any scandal."^[12] She testified that Celocelo pulled her by her hair and dragged her out of the bedroom towards the comfort room which was located outside their house. AAA said she pleaded to Celocelo not to abuse her but he ignored her pleas and told her to undress. AAA claimed that Celocelo removed her jogging pants and panty while pointing a *lansetang dipindot* (automatic knife) at her. She was then forced to sit on top of Celocelo, face to face, who by then positioned himself on the toilet bowl, and while holding a knife with his

right hand and holding her arm with his left hand, proceeded to rape her by moving AAA up and down. AAA said that after Celocelo raped her, he told her to dress herself and not to tell anybody or he will come back to kill her. AAA said that after the incident, she found herself on her sister's doorsteps, inconsolably crying. AAA, together with her sister, her sister's husband, and one of her brothers, went back to AAA's house to tell their parents who became hysterical upon learning that AAA was raped. They proceeded to the *Barangay* office to report the incident, and Celocelo was arrested that morning in his work place.

Celocelo, in his testimony, denied AAA's claim that he raped her. He said that he had been seeing and courting AAA for three months prior to the incident. On July 25, 1998, he went to AAA's house at around eight o'clock in the evening. AAA allowed him to enter her house, and it was then when he told her that he liked her. AAA favorably responded to his proposal with "*Oo, sinasagot na kita,*" and when he asked for a kiss, she willingly obliged. However, after about 30 seconds of kissing, Celocelo said that AAA stopped for fear that her mother might catch them as they were in the living room. She then took his hand and led him to the comfort room outside their house. Celocelo said that it was AAA who undressed herself and it was she who sat on top of him to have sexual intercourse. They agreed to meet again the following day as it was his pay day, but when he reported for work, he was arrested for allegedly raping AAA.^[13]

Edgardo de Vera was also presented as a witness for Celocelo. De Vera is Celocelo's brother-in-law and he testified that he was the one who introduced Celocelo to AAA. He claimed that AAA always watched Celocelo play basketball and she was particularly happy whenever the ball was in Celocelo's hands. He also claimed that AAA would hold Celocelo's hands when congratulating him and would ask him to pass by their bench during time-outs.^[14]

On August 31, 2004, the RTC convicted Celocelo for the crime of rape and sentenced him to suffer the penalty of *reclusion perpetua* and to indemnify the offended party the sum of One Hundred Thousand Pesos (P100,000.00). The dispositive portion of the decision reads:

WHEREFORE, judgment is rendered finding accused Rene Celocelo GUILTY beyond reasonable doubt as charged and hereby sentenced to suffer the prison term of *reclusion perpetua* and likewise suffer the accessory penalty provided for by law and to pay the complainant, [AAA], the sum of P100,000.00 and to pay the costs.^[15]

The RTC, in its decision, said that the issue it was faced with was whether or not the sexual congress was attended with the use of force or intimidation. The RTC resolved the issue in the affirmative and held that it believed that there was indeed force and intimidation when Celocelo poked a knife at AAA while having sexual intercourse with her. The RTC said that it was but natural for AAA to not fight back or even make any noise for fear of what Celocelo might do to her and her family. The RTC found AAA to be a credible witness as it had the opportunity to observe the demeanor of AAA and saw that she was "straightforward in denouncing the accused while [he] appeared [to be] impishly smiling as [AAA] denounced him."^[16]

On intermediate appellate review before the Court of Appeals, Celocelo alleged that the RTC erred in finding him guilty beyond reasonable doubt and assigned the following errors:

I

THE TRIAL COURT GRAVELY ERRED IN GIVING FULL WEIGHT AND CREDENCE TO THE INCREDIBLE TESTIMONY OF THE PRIVATE COMPLAINANT.

II

THE TRIAL COURT GRAVELY ERRED IN CONVICTING THE ACCUSED-APPELLANT OF THE CRIME CHARGED DESPITE THE FAILURE OF [THE] PROSECUTION TO PROVE HIS GUILT BEYOND REASONABLE DOUBT.

III

THE TRIAL COURT GRAVELY ERRED IN NOT MAKING A FINDING OF FACTS IN ITS DECISION, WHICH IS A REVERSIBLE ERROR.^[17]

Celocelo alleged that AAA's "account of how she was raped by [Celocelo] is contrary to human experience"^[18] when she said that her jogging pants and panty were pulled down to her ankles and yet she was able to sit on top of him. Celocelo also asserted that the RTC was not able to prove his guilt beyond reasonable doubt as it relied mainly on the testimony of AAA. Moreover, Celocelo claimed that the RTC's decision was constitutionally and procedurally infirm as it "did not bother to state clearly and distinctly the facts and the law on which it was based,"^[19] as required by both the 1987 Constitution^[20] and the 1997 Rules on Civil Procedure.^[21]

The Court of Appeals sustained Celocelo's conviction and addressed each of the assigned errors. With regard to the inconsistencies in AAA's testimony, the Court of Appeals believed that the inconsistency Celocelo was pointing out was fully explained in the same testimony.

Next, the Court of Appeals defended the RTC's reliance on the testimony of AAA, as the RTC found AAA's demeanor consistent with her allegation that Celocelo raped her. The Court of Appeals stated that the findings of the RTC "on the credibility of the witnesses and their testimonies are generally accorded great respect by an appellate court,"^[22] and since Celocelo was unable to present proof of overlooked or misappreciated facts and circumstances that would alter the results of the case, there was no reason to disregard the RTC's findings of facts.

On the last assignment of error, the Court of Appeals held that the fact that the judgment may not be satisfactory to Celocelo is not enough to convince it that the decision is flawed.^[23] The Court of Appeals maintained that the conviction was based on facts on record and sound doctrines applicable to the case. The Court of Appeals further noted the Solicitor General's argument that, while the RTC's decision may be short, it is neither constitutionally nor procedurally infirm as only the

"essential ultimate facts" upon which the court's conclusion is drawn are required to be stated in the court's decision.^[24]

In finding that the prosecution was able to establish Celocelo's guilt beyond reasonable doubt, the Court of Appeals, on February 28, 2006, affirmed the RTC with clarification on the award, to wit:

WHEREFORE, the judgment of conviction is **AFFIRMED** with clarification that the award of "P100,000.00" should cover the (a) civil indemnity of P50,000.00 and (b) moral damages of P50,000.00.^[25]

On March 23, 2006, Celocelo filed his Notice of Appeal and subsequently filed a Manifestation that he is adopting the arguments in his Appellant's Brief in this appeal.

This Court believes that the resolution of this case hinges upon whether or not Celocelo's guilt for the crime of rape was proven beyond reasonable doubt.

It is doctrinal that the requirement of proof beyond reasonable doubt in criminal law does not mean such a degree of proof as to exclude the possibility of error and produce absolute certainty. Only moral certainty is required or that degree of proof which produces conviction in an unprejudiced mind. x x x.^[26]

In reviewing rape cases, this Court is guided by three settled 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, although innocent, to disprove; (2) considering the intrinsic nature of the crime, only two persons being usually involved, the testimony of the complainant should be scrutinized with great caution; and (3) the evidence for 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.^[27]

Rape is a serious transgression with grave consequences for both the accused and the complainant. Using the above guiding principles in the review of rape cases, this Court is thus duty-bound to conduct a thorough and exhaustive evaluation of a judgment of conviction for rape. ^[28]

This Court has made a painstaking scrutiny of the entire records of the case, including both parties' exhibits and the transcript of stenographic notes, and finds no reason to reverse the Courts below.

Celocelo was charged in the information under Article 266-A, paragraph 1, in relation to Article 266-B, paragraph 2, of the Revised Penal Code, as amended by Republic Act No. 8353.^[29]

Carnal knowledge of a woman under any of the following instances constitutes rape: (1) when force or intimidation is used; (2) when the woman is deprived of reason or