

THIRD DIVISION

[G.R. No. 185711, August 24, 2009]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
REYNALDO SANZ LABOA, ACCUSED-APPELLANT.**

D E C I S I O N

CHICO-NAZARIO, J.:

For review is the Decision^[1] dated 31 January 2008 of the Court of Appeals in CA-G.R. CR-H.C. No. 00211-MIN, which affirmed with modification the Decision^[2] dated 22 July 2003 of the Regional Trial Court (RTC) of Isulan, Sultan Kudarat, Branch 19, in Criminal Case No. 2838, finding herein appellant Reynaldo Sanz Laboa guilty beyond reasonable doubt of the crime of rape committed against AAA^[3] and sentencing him to suffer the penalty of *reclusion perpetua*.

Appellant Reynaldo Sanz Laboa was charged before the RTC of Isulan, Sultan Kudarat with raping AAA in an Information which reads:

That on or about in the afternoon of [26 June 2001], at Barangay XXX, Municipality of XXX, Province of XXX, Philippines, and within the jurisdiction of this Honorable Court, the said [appellant] with lewd and unchaste design and by means of force and intimidation, did then and there, willfully and feloniously lie and succeeded in having carnal knowledge of one AAA, a minor, under twelve (12) years old against her will and consent.^[4]

Upon arraignment, the appellant, assisted by counsel *de officio*, pleaded NOT GUILTY to the crime charged. After pre-trial was terminated, trial on the merits ensued.

The prosecution presented the testimonies of the following witnesses: Dr. Alfredo Calingin (Dr. Calingin), Municipal Health Officer of Sen. Ninoy Aquino, Sultan Kudarat, who conducted the physical examination on AAA; Police Inspector (PO) 1 Melinda Dedoro Rosal (PO1 Rosal), Women and Children Protection Desk Officer at Sen. Ninoy Aquino Municipal Police Station, who conducted the investigation on the complaint of AAA; Ariel Estabillo (Ariel), laborer at the corn drier of the victim's parents; BBB, the mother of AAA; and AAA, the private complainant herself.

The evidence for the prosecution, culled from the testimonies of the aforesaid witnesses, established the following facts:

On 26 June 2001, AAA, then nine years old, was helping her parents at their corn drier located in XXX, XXX, XXX, which is about 300 meters away from their house. At around 5:00 p.m., AAA was instructed by her father to go home and to cook rice.

Before going home, AAA gathered firewood. When she reached their house, she was already tired, so she decided to lie down on a long bench where she eventually fell asleep. At that time, the appellant was already outside their house making a divider, because he was hired by AAA's mother to make a divider for them.^[5]

While AAA was sleeping on a long bench inside their house, the appellant entered, went directly to where she was and started removing her short pants and underwear. AAA was awakened, but the appellant still proceeded to undress her. The appellant then placed saliva on her vagina, spread her legs and went on top of her. Thereafter, the appellant unzipped his pants, held his penis and placed it in AAA's vagina. AAA felt that the penis of the appellant was hard. She also felt pain when the appellant tried to insert his penis into her vagina. She tried to resist but to no avail. After a while, AAA felt something wet in her vagina.^[6]

At this juncture, Ariel arrived; he went there in order to return an adjustable tool that he borrowed from the parents of AAA. Ariel was so shocked seeing the appellant, whose pants' zipper was open, on top of AAA, who was naked from the waist down. At once, Ariel struck the appellant at the back with the tool he was holding. The appellant immediately stood up, fixed his long pants, closed his zipper, gathered his carpentry tools and left. AAA was then crying and asked Ariel to punch the appellant. Subsequently, Ariel brought AAA to her parents, who were at their corn drier. AAA was silent but teary-eyed when Ariel informed her mother about her ordeal.^[7]

Upon being informed, BBB, together with AAA, immediately reported the rape incident to the *barangay* chairman. As the latter was unavailable, they reported the said incident to the officer-in-charge, who ordered to look for the appellant. With the help of the Civilian Armed Forces Geographical Unit (CAFGU), the appellant was picked up in the house of one Bartoloy Dema. He was then brought to the *barangay* hall.^[8]

AAA and her parents also went at the Municipal Police Station of Sen. Ninoy Aquino to report the rape incident. It was PO1 Rosal, the Women and Children Protection Desk Officer assigned to that Police Station, who conducted the investigation on the said rape incident. She took AAA's sworn statement on how the appellant ravished her. Then, she referred AAA to the Department of Social Welfare and Development (DSWD) and to the Municipal Health Office for medical examination.^[9]

AAA was examined by Dr. Calingin, the Municipal Health Officer of Sen. Ninoy Aquino. Dr. Calingin found incomplete fresh hymenal lacerations on AAA's vagina at the 2:00 o'clock and 7:00 o'clock positions. The findings were contained in the Medical Certificate dated 28 June 2001,^[10] which he issued. According to Dr. Calingin, said lacerations could have been possibly caused by bicycle riding, horse riding or an attempt to sexually penetrate AAA's private part.^[11]

Thereafter, a Criminal Information for Rape was filed against the appellant. After an Order of Detention was issued, the appellant was arrested by the Philippine National Police (PNP) personnel.^[12]

For its part, the defense presented the lone testimony of the appellant, who

interposed the defense of denial.

The appellant claimed that on 26 June 2001, at around 5:00 p.m., he entered the house of AAA's parents to get the bench, which he would use in attaching the door of the divider he was making. Since AAA was lying on the said bench, he kicked the bench to wake her up, but AAA refused to get up. He then pushed the bench. At such instance, Ariel arrived. The appellant averred that Ariel touched him on his back with the tool the latter was carrying. The appellant told Ariel to assist him in making the divider; however, as it was already late in the afternoon, the appellant just gathered his carpentry tools and left the house of AAA's parents. On cross-examination, however, the appellant testified that after kicking the bench, AAA was still asleep, and this prompted him to shake the bench to wake her up. He also admitted that he was bending over the bench, as he was holding the two legs of AAA when suddenly Ariel arrived. The appellant asserted that Ariel merely misinterpreted such position of him as having sexual intercourse with AAA.^[13]

After trial, a Decision was rendered by the court *a quo* on 22 July 2003 finding the appellant guilty beyond reasonable doubt of the crime of rape. The trial court found AAA's testimony on how she was raped by the appellant on 26 June 2001 to be straightforward, credible, truthful and convincing. Moreover, AAA's positive identification of the appellant as her ravisher completely overturned appellant's defense of denial. The trial court thus decreed:

WHEREFORE, upon all the foregoing considerations, the Court finds the [appellant], Reynaldo Sanz Laboa, guilty beyond reasonable doubt of the crime of rape.

Accordingly, the Court hereby sentences the [appellant], Reynaldo Sanz Laboa:

(a) to suffer the penalty of **RECLUSION PERPETUA**;

(b) to indemnify the private offended party, AAA;

1. the amount of **FIFTY THOUSAND (P50,000.00) PESOS**, as moral damages

2. the amount of **SEVENTY FIVE THOUSAND (P75,000.00) PESOS**, by way of civil indemnity, consistent with current prevailing jurisprudence;

3. the amount of **TWENTY FIVE THOUSAND (P25,000.00) PESOS**, as exemplary damages; and

(c) to pay the costs.

Being a detention prisoner, the [appellant] Reynaldo Sanz Laboa, is entitled to full credit of the entire period of his preventive imprisonment,

in accordance with Article 27 of the Revised Penal code, as amended by R.A. No. 6127, provided he had agreed in writing to abide by the same disciplinary rules and regulations imposed upon convicted prisoners, otherwise, with only four-fifths (4/5) thereof.^[14]

The records of this case were originally transmitted to this Court on appeal. Pursuant to *People v. Mateo*,^[15] the records were transferred to the Court of Appeals for appropriate action and disposition.

In his brief, the appellant raised his lone assigned error:

THE TRIAL COURT ERRED IN CONVICTING THE [APPELLANT] OF THE CRIME OF CONSUMMATED RAPE WHEN HIS GUILT WAS NOT PROVEN BEYOND REASONABLE DOUBT.^[16]

On 31 January 2008, the Court of Appeals rendered a Decision affirming the conviction of the appellant for the crime of rape and sentenced him to suffer the penalty of *reclusion perpetua*, with the modification reducing the amount of civil indemnity awarded by the trial court to AAA from P75,000.00 to P50,000.00.

The appellant appealed to this Court, contending that his conviction for the crime charged was based mainly on the testimonies of AAA, Dr. Calingin and Ariel. Appellant claimed that the testimonies of the aforesaid witnesses showed uncertainty as to his participation or how he consummated the crime charged. According to the appellant, AAA herself admitted that she did not know whether the appellant's penis penetrated her vagina. Similarly, Dr. Calingin testified that the fresh hymenal lacerations on AAA's vagina could have been possibly caused by bicycle riding, horse riding or an attempt to sexually penetrate AAA's vagina. In the same way, Ariel admitted that he failed to see neither the penis of the appellant nor the actual penetration of the same on AAA's vagina. With the foregoing circumstances, the appellant claims that penetration of AAA's vagina by his penis was not proven beyond reasonable doubt. Thus, he may only be held guilty of the crime of attempted rape and not of consummated rape.

Appellant's contentions are bereft of merit.

It is a fundamental rule that the trial court's factual findings, especially its assessment of the credibility of witnesses, are accorded great weight and respect and are binding upon this Court, particularly when affirmed by the Court of Appeals.^[17] This is so because the trial court is in a better position to decide the question, having heard the witnesses and observed their deportment and manner of testifying during the trial. The appellate courts will generally not disturb such findings, unless it plainly overlooked certain facts of substance and value that, if considered, might affect the result of the case.^[18]

In this case, this Court finds no cogent reason to disturb the findings of both the trial court and the Court of Appeals that, indeed, appellant is guilty of the crime of consummated rape and not merely of attempted rape.