

## THIRD DIVISION

[ G.R. No. 169870, August 04, 2009 ]

**PEOPLE OF THE PHILIPPINES, APPELLEE, VS. ELEGIO AN,  
APPELLANT.**

### D E C I S I O N

**PERALTA, J.:**

This is an appeal from the Decision<sup>[1]</sup> dated August 15, 2005 of the Court of Appeals (CA) in CA-G.R. CR-H.C. No. 00223, affirming the Decision<sup>[2]</sup> dated January 7, 2004 of the Regional Trial Court (RTC) of Calauag, Branch 63, in Criminal Case No. 3024-C, finding appellant Elegio An guilty beyond reasonable doubt of the crime of simple rape.

The facts, as culled from the records, are the following:

Around 5 o'clock in the afternoon of March 8, 1998, Conchita Maranan, a 21-year-old woman with no formal education, right after taking a bath in the river, saw appellant enter the house of her Ate Dominga. When Conchita entered her Ate Dominga's house, appellant pushed her towards a room. Thereafter, appellant started undressing Conchita before undressing himself. It was then that appellant placed himself on top of Conchita. Appellant proceeded to forcibly insert his penis into the vagina of Conchita causing the latter to feel an excruciating pain. After appellant succeeded in defiling Conchita, the former told the latter that he will do it again and that he will kill her should she divulge what just happened. Appellant left after the said incident.<sup>[3]</sup>

Immediately after appellant fled from the scene, Conchita went to her Ate Zenaida Andallon, who was at that time working in the ricefield. When her sister saw that Conchita was crying, the former asked the latter as to the reason. Instead of answering, Conchita asked her sister to be brought home in *Barangay* Munting Parang. Zenaida asked Conchita again as to why the latter was crying. It was then that Conchita told Zenaida that she felt pain in her body and was afraid to see appellant, to which Zenaida queried as to the reason why her sister was frightened of said appellant. Conchita confided to her sister that she was *inasawa* by appellant. This prompted Zenaida to ask what appellant did to her sister. Conchita told her sister that appellant kissed her lips, rolled up her dress, removed her bra and *sinusuhan* or sucked her breast, laid her forcibly, inserted his penis in her vagina and *niyugyugan* or made pumping motions. Zenaida then brought Conchita to Dominga's house, where she was able to see Conchita's bloodied underwear. A white spot was also present in the said underwear. When Zenaida looked at Conchita's vagina, she noticed that it was bleeding. Thereafter, Zenaida accompanied Conchita to the *Lupon ng Barangay* of Bukal and afterwards to *Barangay* Captain Celso Razon who looked for appellant. After finding appellant, *Barangay* Captain Razon brought him, Conchita and Zenaida to the municipal hall where an investigation was

conducted. Upon the conclusion of the investigation, appellant was taken to the municipal jail, while Zenaida was given instructions to go back to said municipal hall the following day and have Conchita medically examined.<sup>[4]</sup>

The next day, Conchita went to the Municipal Health Office of Tagkawayan, Quezon and underwent a laboratory examination. She was examined by a medical technologist, Rodelo V. Teopy. The laboratory report showed that Conchita's vagina was positive for the presence of spermatozoa. Consequently, on March 12, 1998, the Municipal Health Officer of Tagkawayan, Quezon, Dr. Arnel I. Artos, examined Conchita and, later on, issued a Medico-Legal Certificate<sup>[5]</sup> containing the following findings:

x x x x

Internal Examination:

1. Multiple lacerations noted with no discharged noticed at the time of examination.
2. Admits two (2) fingers with ease.

Please see attached Laboratory Result.

x x x x

Upon securing the medico-legal certificate and the laboratory report, Conchita and Zenaida went back to the police station. Zenaida executed a *Sinumpaang Salaysay* and, subsequently, filed a criminal complaint with the Municipal Trial Court of Tagkawayan, Quezon, in behalf of Conchita.<sup>[6]</sup>

Consequently, an Information<sup>[7]</sup> was filed against appellant for the crime of rape, stating:

That on or about the 8<sup>th</sup> day of March 1998, at Barangay Bukal, in the Municipality of Tagkawayan, Province of Quezon, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, with lewd design, by means of force, threats and intimidation, did then and there willfully, unlawfully and feloniously have carnal knowledge of one Conchita Maranan, a mental retardate, against her will.

Contrary to law.

Appellant, assisted by counsel *de officio*, pleaded not guilty during the arraignment<sup>[8]</sup> on February 2, 1999. Thereafter, trial on the merits ensued.

The prosecution presented the testimonies of Dr. Arnel Artos, Zenaida Andallon, Celso Razon, and Conchita Maranan. The said witnesses testified as to the facts

narrated above.

The defense, on the other hand, presented the testimonies of Leoncio Zamora, Nilo de Torres and appellant. Appellant raised the defense of denial and alibi by stating that he did not rape Conchita and that he was at a baptismal celebration or *buhos tubig* when the incident occurred. According to him, on March 8, 1998, he and Leoncio Zamora went to *Barangay* Mansilay to attend the baptism of Nilo de Torres' son. Appellant narrated that he and Leoncio arrived at the said place at around 11 a.m. and helped in the slaughtering of the pig and in attending to the guests. He added that, after eating lunch, they proceeded to drink and then left the said place at around 8 p.m. They were able to reach *Barangay* Bukal at around 10 p.m., or approximately two hours after they left *Barangay* Mansilay. Shortly thereafter, appellant was arrested and accosted to the police station.<sup>[9]</sup> The said testimony of appellant was corroborated by Leoncio Zamora and Nilo de Torres.

The RTC found appellant guilty beyond reasonable doubt of the crime charged, the dispositive portion of which reads:

WHEREFORE, in view of the foregoing considerations, this Court hereby finds accused Elegio An GUILTY beyond reasonable doubt of the crime of RAPE and hereby sentences said accused to suffer the penalty of RECLUSION PERPETUA and to pay the private offended party Conchita Maranan the amount of FIFTY THOUSAND PESOS (P50,000.00) as civil indemnity plus the amount of FIFTY THOUSAND PESOS (P50,000.00) as moral damages.

SO ORDERED.

Due to the penalty imposed, which is *Reclusion Perpetua*, the case was elevated to this Court on appeal. However, per Resolution<sup>[10]</sup> of this Court dated September 6, 2004, the case was transferred to the CA in conformity with the Decision of this Court, dated July 7, 2004, in *People v. Mateo*,<sup>[11]</sup> modifying the pertinent provisions of the Revised Rules of Criminal Procedure, 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 RTC 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 death penalty, pursuant to this Court's power to promulgate rules of procedure in all courts under Section 5, Article VIII of the Constitution, and allowing an intermediate review by the CA before such cases are elevated to this Court.

The CA, in its Decision dated August 15, 2005, affirmed the conviction of appellant, the dispositive portion of which reads as follows:

WHEREFORE, premises considered, the January 7, 2004 Decision of the Regional Trial Court of Calauag, Quezon, Branch 63, in Criminal Case No. 3024-C, finding appellant guilty beyond reasonable doubt of the crime of simple rape and sentencing him to suffer the penalty of *reclusion*

*perpetua* is hereby AFFIRMED.

SO ORDERED.

Appellant, in his Brief,<sup>[12]</sup> ascribed a lone assignment of error which reads:

THE COURT A QUO GRAVELY ERRED IN FINDING THE ACCUSED-APPELLANT GUILTY BEYOND REASONABLE DOUBT OF THE CRIME OF RAPE.

Appellant questioned the credibility of Conchita due to inconsistencies in her testimony. He also assailed the finding of the trial court that Conchita was a mental retardate. He argued that the prosecution was not able to prove beyond reasonable doubt the fact of Conchita's mental retardation. Finally, appellant contended that due to the weakness of the prosecution's evidence, his defense of alibi should have been given more weight as it was corroborated by two disinterested witnesses.

The Office of the Solicitor General (OSG), in its Brief,<sup>[13]</sup> stated the following arguments:

I. THE RAPE VICTIM'S CATEGORICAL AND SPONTANEOUS TESTIMONY IS SUFFICIENT TO CONVICT APPELLANT OF THE CRIME CHARGED.

II. APPELLANT'S ALIBI AND DENIAL CANNOT PREVAIL OVER HIS POSITIVE IDENTIFICATION BY THE VICTIM.

According to the OSG, the trial court was correct in its observation that Conchita's testimony was credible as it was categorical, straightforward, spontaneous and frank. It stated that Conchita's narration of the incident was simple and direct, and that her testimony was able to withstand the rigorous cross-examination. The OSG also contended that appellant's defense of alibi was not strong because the element that there must be physical impossibility for the latter to be at the *situs criminis* at the time the incident took place was lacking. Finally, the OSG argued that Conchita could not have been mistaken in positively identifying appellant whom she knew since her childhood; hence, such positive identification must prevail over appellant's defense of denial and alibi.

The appeal is bereft of merit.

In reviewing rape cases, this Court has constantly been guided by three principles, to wit: (1) 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; (2) 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; and (3) the evidence for the prosecution must stand or fall on its own merits and cannot draw strength from the weakness of the evidence for the defense. And as a result of these guiding principles, credibility of the complainant becomes the single most important issue. If the testimony of the victim is credible, convincing

and consistent with human nature, and the normal course of things, the accused may be convicted solely on the basis thereof.<sup>[14]</sup>

In connection therewith, this Court has always been consistent in ruling that the duty to ascertain the competence and credibility of a witness rests primarily with the trial court,<sup>[15]</sup> because it has the unique position of observing the witness's deportment on the stand while testifying. Absent any compelling reason to justify the reversal of the evaluations and conclusions of the trial court, the reviewing court is generally bound by the former's findings.<sup>[16]</sup>

A review of the testimony of Conchita clearly shows its consistency and straightforwardness, a matter which the trial court correctly appreciated. In narrating the incident, Conchita said:

(Prosecutor Florido) Q Now, on March 8, 1998 while you were at your house at about 5:00 o'clock in the afternoon, do you recall what happened to you?

(Conchita) A Yes, sir.

Q What happened to you if you can recall?

A He pushed me to the floor, sir.

Q Who pushed you?

A Elegio An, sir.

Q The person you pointed to a while ago before this Hon. Court?

A Yes, sir.

Q And where were you then when he pushed you to the floor?

A From the river I took a bath, then he suddenly entered our house, sir.

Q And he pushed you inside your house or inside the room?

A In a room, sir.

Q When the accused Elegio An pushed you to the floor inside the room, what happened to you?

A *Ako po ay inasawa niya.*

Q What do you mean by *inasawa*?

A He removed his clothes in front of me, sir.

Q What about you, did he remove your clothes?