

THIRD DIVISION

[G.R. No. 185712, August 04, 2009]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. LILIO
U. ACHAS, ACCUSED-APPELLANT.**

D E C I S I O N

VELASCO JR., J.:

This is an appeal from the Decision dated May 19, 2008 of the Court of Appeals (CA) in CA-G.R. CR-H.C. No. 00480, affirming the Decision dated March 11, 2004 of the Regional Trial Court (RTC), Branch 37 in Cagayan de Oro City. The RTC adjudged accused-appellant Lilio U. Achas guilty of two (2) counts of the crime of rape.

In two (2) separate informations filed before the RTC, docketed as Crim. Case Nos. 2000-045 and 2001-143, Achas was charged with two counts of rape, allegedly committed as follows:

Crim. Case No. 2000-045

Sometime in the month of June, 1998, on a Sunday noon, or thereabout at x x x, Philippines and within the jurisdiction of this Honorable Court, the above-named accused being the common-law husband of the mother, [BBB], of the victim, [AAA],^[1] with lewd design, and by means of force and intimidation poked a knife on said eight (8) year old minor victim, [AAA], did then and there willfully, unlawfully and feloniously have carnal knowledge with the said victim against her will.

CONTRARY TO and in violation of Article 266-A in relation to Article 266-B of the Revised Penal Code as amended by RA 8353.

Crim. Case No. 2001-143

Sometime in the month of July, 1999, on [a] Sunday morning, in the mountain of x x x, Philippines and within the jurisdiction of this Honorable Court, the above-named accused being the common-law husband of the mother of the eight (8) year old minor-victim, [AAA], with lewd design, and by means of force, intimidation and grave abuse of authority, did then and there, willfully, unlawfully and feloniously have carnal knowledge with the said victim [AAA] against her will.

The commission by the accused is further aggravated by his knowledge that he is afflicted by [a] sexually transmissible disease and the disease [was] transmitted to the aforesaid victim.

CONTRARY TO and in violation of Article 266-A in relation to Article 266-B of the Revised Penal Code, as amended by RA 8353.^[2]

The antecedent facts, as summarized in the decision under review, are as follows:

In 1998, AAA, then barely eight years old, was staying with her mother, BBB, and her common-law spouse, Achas, in Misamis Oriental. One Sunday in June of that year, AAA, while watching over her two half-brothers, CCC and DDD, in their home, was grabbed by Achas and led to their adjoining store. Once inside the store, Achas removed AAA's short pants and underwear. He then mounted her and succeeded in inserting his penis into her vagina, causing her excruciating pain.

Sometime in March 1999, EEE, BBB's sister, saw a very pale AAA and asked what the matter was. For a reply, AAA only placed her arms around her aunt, shivering. Sensing that something was amiss, EEE lost no time in having AAA examined at the Northern Mindanao Medical Center where AAA was found to be afflicted with gonorrhea.^[3]

The beastly act that occurred in June 1998 was to be repeated in the same place sometime in July 1999, while BBB was out gathering firewood. This time around, Achas covered AAA's mouth with a towel to prevent her from making any noise. And pointing a knife at the left side of AAA's neck before and after the sexual abuse, Achas warned her that he would kill her mother should she tell on him.^[4]

Achas denied the accusations hurled against him by one who he allegedly loved like a daughter, claiming, in the same breath, to be in another province in June 1998 and July 1999. He tagged EEE, who disliked him and wanted her sister to leave him, as having masterminded the filing of the fabricated charges.^[5]

CCC, AAA's half-brother and Achas' son, testified that it was not his father but two young boys who sexually molested his sister. According to CCC, AAA no less told him about Achas' virtual innocence. Pushing his point, CCC testified to being told by EEE to keep quiet about AAA not having been raped by Achas. EEE's instructions, per CCC, allegedly came when Achas was already in jail.^[6]

On March 11, 2004, the RTC rendered judgment finding Achas guilty beyond reasonable doubt of rape on two counts and sentencing him to death for each crime. The dispositive portion of the RTC Decision reads:

WHEREFORE, premises considered, this Court finds accused Lilio U. Achas guilty beyond reasonable doubt of two (2) counts or crimes of rape committed against the minor offended party, and said accused is hereby sentenced to die for each of the two counts or crimes of rape said penalty of death to be carried out in accordance with the procedure and method enforced by the appropriate authorities of the Executive Department. Moreover, the accused is sentenced to pay the minor offended party in each of the two counts or crimes of rape the sum of P75,000.00 by way of civil indemnity x x x and the sum of P50,000.000 by way of moral damages.

X X X X

SO ORDERED.^[7]

The RTC forthwith elevated the records of the case to this Court for automatic review in light of the penalty imposed. In accordance, however, with the *People v. Mateo*^[8] ruling, the Court, per Resolution of June 6, 2006, ordered the transfer of the case records to the CA for intermediate review.

On May 19, 2008, the CA rendered a Decision affirming that of the trial court. The appellate court, however, reduced the penalty of death for each count of rape to *reclusion perpetua* without eligibility for parole in light of Republic Act No. (RA) 9346^[9] prohibiting the imposition of the death penalty. The dispositive portion of the CA's decision reads:

WHEREFORE, premises considered, the assailed Decision of the Regional Trial Court (RTC), 10th Judicial Region, Branch 37, Cagayan de Oro City, in Criminal Cases Nos. 2000-045 and 2001-143, convicting appellant, Lilio U. Achas of two (2) counts of rape is hereby AFFIRMED, with the modification in that appellant is only meted the penalty of reclusion perpetua instead of death for each count of rape and that AAA is awarded P75,000.00 as moral damages, P75,000.00 as civil indemnity and P25,000.00 as exemplary damages for each count of rape.

SO ORDERED.^[10]

On June 24, 2008, Achas filed his Notice of Appeal of the CA Decision.

In response to the Resolution of the Court for them to submit supplemental briefs, if they so desired, the parties manifested their willingness to have the case resolved on the basis of the records and pleadings already on file.

The issue before us is:

WHETHER THE COURT A QUO GRAVELY ERRED IN CONVICTING THE ACCUSED DESPITE THE FAILURE OF THE PROSECUTION TO PROVE HIS GUILT BEYOND REASONABLE DOUBT

Achas' defense is predicated on alibi and denial. He denies having committed the crimes imputed against him, being, in the first place, in Bukidnon on the dates the supposed rape incidents occurred. How could he, he protests, do something dastardly on one who he loved and treated like his own child? His son, CCC, when called on the witness stand, belied AAA's inculpatory allegations against his father.

Achas brands AAA's account as to his guilt as incredulous and inconsistent with human experience and the natural course of things. He likewise maintains that the

physical evidence ran counter to AAA's testimonial evidence. In particular, he asserts that AAA was not alone in the house when the alleged June 1998 rape happened; yet, contrary to human nature, AAA did not cry out for help. He also belies committing the second rape charged, for, in July 1999, EEE already had custody of AAA.

Setting his focus on another angle, Achas maintains that if AAA's allegations of rape were true, then hymenal lacerations and external physical injuries would have been observed by the examining physician and so indicated, but was not, in the medical records.

The People, through the Office of the Solicitor General (OSG), would have the Court discredit the proffered defenses of denial and alibi, describing them as the favorite sanctuary of felons. And for reasons detailed in its Brief,^[11] the OSG, citing jurisprudence, urges that Achas' assault on AAA's credibility be rejected.

The Court resolves to affirm the CA decision.

For conviction in the crime of rape,^[12] the following elements must be proved:

1. that the accused had carnal knowledge of a woman;
2. that said act was accomplished under any of the following circumstances-
 - a. through force, threat or intimidation;
 - b. when the offended party is deprived of reason or is otherwise unconscious;
 - c. by means of fraudulent machination or grave abuse of authority; or
 - d. when the offended party is under twelve (12) years of age or is demented, even though none of the circumstances mentioned above be present.^[13]

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.^[14] 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.^[15]

Complementing the foregoing principles is the rule that the credibility of the victim is always the single most important issue in prosecution for rape;^[16] that in passing upon the credibility of witnesses, the highest degree of respect must be afforded to