

SECOND DIVISION

[G.R. No. 181081, September 04, 2009]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
ROLDAN ARCOSIBA ALIAS "ENTOY," ACCUSED-APPELLANT.**

D E C I S I O N

QUISUMBING, J.:

This is an appeal from the Decision^[1] dated May 9, 2007 of the Court of Appeals in CA-GR CEB-CR.-H.C. No. 00094 affirming with modification the Decision^[2] dated February 25, 2005 of the Regional Trial Court (RTC) of Carigara, Leyte, Branch 13 in Criminal Case No. 4397. The RTC found appellant Roldan Arcosiba guilty beyond reasonable doubt of the crime of rape under Articles 266-A and 266-B of the Revised Penal Code, as amended by Republic Act No. 8353,^[3] otherwise known as "The Anti-Rape Law of 1997." Pursuant to Section 11^[4] of Republic Act No. 7659,^[5] the trial court sentenced him to suffer the penalty of *reclusion perpetua* and to pay the victim civil indemnity and moral damages.

The Information^[6] dated May 12, 2004 charging Arcosiba for the crime of rape reads:

x x x x

That on or about the 21st day of March, 2004, in the Municipality of [xxx], Province of [xxx], and within the jurisdiction of this Honorable Court, the above-named accused, with deliberate intent and with lewd designs and by use of force and intimidation, did then and there willfully, unlawfully and feloniously had carnal knowledge with [AAA],^[7] a 14 year old girl, against her will, to her damage and prejudice.

Contrary to law.

Arcosiba was arrested and jailed on March 24, 2004.^[8] When arraigned on June 22, 2004, he pleaded not guilty.^[9] Thereafter, trial ensued.

Based on the testimonies of AAA, the victim herself, and BBB, her friend, the prosecution established that on March 21, 2004, AAA and her friend BBB agreed to watch television at the house of a neighbor. Before proceeding to the house of their neighbor, they decided to pass by the house of AAA. There, they noticed that the door of the house was already open, so they decided to go inside thinking that AAA's older sister was there. AAA, however, noticed that one sack of rice was missing. She tried to look for it thinking that her sister might have kept the same, but to no avail.

AAA and BBB were about to go out of the house when they saw Arcosiba in the yard. Out of fear, AAA and BBB retreated to the kitchen. At a distance of four meters, Arcosiba asked AAA of her father's whereabouts. AAA replied that her father was not around. Arcosiba then asked her to go outside. AAA drew nearer to Arcosiba but remained inside the house. At that instance, Arcosiba uttered, "*Your father owes a big amount of money and I am the one who is supporting your studies.*" He then commanded AAA to get out of the house because they have something to talk about. AAA did as ordered while BBB stayed in the kitchen crying.

While at the yard, Arcosiba embraced and kissed AAA. He likewise ordered her to sit on a sack of charcoal. At first, AAA tried to evade Arcosiba's kisses but the latter threatened her. Arcosiba then undressed AAA and instructed her to lie down on the ground. He was about to rape AAA when he suddenly changed his mind. Instead, he told AAA to proceed to the back of the house. AAA resisted, but Arcosiba dragged her. As ordered, AAA proceeded to the back of the house while being followed by Arcosiba. AAA walked totally naked while Arcosiba had her dress on his face and held her shorts in his hand.

Upon reaching the back portion of the house, Arcosiba ordered AAA to lie down, to which she acceded. Arcosiba then took off his clothes and directed AAA to hold his penis. He ordered her to masturbate his penis. AAA tried to refuse, but Arcosiba threatened to shoot her. After a while, Arcosiba ordered her to stop. He then inserted his penis into her vagina. However, Arcosiba was not able to ejaculate because of the timely arrival of AAA's neighbors who were called by BBB. Arcosiba then tried to bring AAA to the nearby river. AAA resisted but Arcosiba threatened her, saying, "*Hurry because if you will not go with me I will kill you.*"

While on their way to the river, a neighbor saw them and shouted at Arcosiba, prompting the latter to release AAA and flee. AAA, on the other hand, ran towards the house of her neighbor. They reported the incident the following day and she underwent a medical check-up.^[10]

The medical certificate issued by Dr. Maribeth R. Aguilar who physically examined AAA on March 22, 2004, showed the following findings:

Findings: = Upper & Lower Extremities = (-) abrasion/hematoma
= Head & Neck (-) abrasion/hematoma
= Breast
= Back
= area (-) abrasions/hematoma
Gluteal
= Abdomen
= Pelvic Exam :
 Ext. [G]en[i]talia Normal
= Hymen = old healed lacerations on the [5 o'clock and
7 o'clock positions]
 = erythema noted on the (R) labia m[i]nora lower
 3rd &
 (L) labia minora middle 3rd
S.E. Vaginal canal = no abrasion, no hematoma
Cervix = small, closed

I.E. PPE - I -nulliparous
C - closed, small
U - Small
A - (-) mass / tenderness
D - scanty whitish

Mgt. - Patient is for CVS = Result: No spermatozoa seen^[11]

Arcosiba denied the charges against him and testified that on March 21, 2004, he was at the house of his live-in partner's parents together with his live-in partner, Analyn Mocerro, and the latter's nieces, Christine and Julita Mocerro. At about 3:00 p.m. of said day, he went to the crossing of Brgy. Lemon in order to engage in a drinking spree with his friend, Jun-Jun Pigar, a certain Molo, Edwin and Boy. At around 6:00 p.m., he went back to the house of his live-in partner's parents in order to eat some snacks, after which he went back to his friends and they resumed their drinking spree. The drinking spree went on until 9:00 p.m. Thereafter, he went back to the house of his live-in partner's parents, ate and slept thereat together with Analyn, Julita, his nephew and Analyn's mother. The following morning, he went to Calubian, Leyte, on an errand. He was arrested on his way to said place.^[12]

After trial, the RTC rendered judgment convicting Arcosiba of the crime of rape under Articles 266-A^[13] and 266-B^[14] of the Revised Penal Code, as amended. The trial court gave credence to AAA's testimony. It ruled that no woman who is of tender age, would concoct a tale of defloration, allow the examination of her private parts, and undergo the expense, trouble, inconvenience not to mention the trauma of a public trial, if she is not motivated solely by the desire to have the culprit apprehended and punished. It also ruled that in light of the positive identification of the accused, his defense of denial and alibi cannot be sustained. The *fallo* of the decision reads,

WHEREFORE, premises considered, applying Article 266-A and 266-B of the Revised Penal Code as amended, and the amendatory provisions of R.A. 8353, (The Anti-Rape Law of 1997), in relation to Section 11 of R.A. 7659 (The Death Penalty Law), the Court found accused, **ROLDAN ARCOSIBA GUILTY** beyond reasonable doubt of the crime of **RAPE** charged under the information and sentenced [him to] suffer the maximum penalty of **RECLUSION PERPETUA** and to pay civil indemnity in the amount of Fifty Thousand (P50,000.00) Pesos and moral damages in the amount of Twenty[-]Five (P25,000.00) Thousand Pesos to the victim, [AAA]; and

Pay the Cost.

SO ORDERED.^[15]

On appeal, the Court of Appeals upheld the trial court's ruling but modified the award of damages by including an award of exemplary damages. The decretal portion of the decision reads:

WHEREFORE, premises considered, the decision of the Regional Trial Court finding the accused, ROLDAN ARCOSIBA GUILTY beyond reasonable doubt of the crime of RAPE and [sentencing him to] suffer the maximum penalty of RECLUSION PERPETUA and to pay civil indemnity in the amount of Fifty Thousand (P50,000.00) Pesos, moral damages in the amount of Twenty[-]Five Thousand (P25,000.00) Pesos and pay the cost to [AAA] is **AFFIRMED** with **MODIFICATION** that the private complainant is also entitled to the award of exemplary damages in the amount of Twenty[-]Five Thousand [P]esos (P25,000.00).

SO ORDERED.^[16]

The case is now before us for final disposition. In his brief, appellant faults the trial court, to wit:

I.

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

II.

THE TRIAL COURT GRAVELY ERRED IN GIVING CREDENCE TO THE INCONSISTENT STATEMENTS OF THE PROSECUTION WITNESSES.^[17]

Simply, the issue before us is whether appellant's guilt has been proven beyond reasonable doubt.

In his brief, appellant assails the credibility of the victim. He claims that the victim's testimony is inconsistent.

For the State, the Office of the Solicitor General contends that the testimonies of the prosecution's witnesses, including that of the victim, are credible and worthy of faith and belief.

We affirm appellant's conviction.

This Court has held in the case of *People v. Baligod*^[18] that rape is generally unwitnessed and oftentimes, the victim is left to testify for herself. Thus, in resolving rape cases, the victim's credibility becomes the primordial consideration. If a victim's testimony is straightforward, convincing and consistent with human nature and the normal course of things, unflawed by any material or significant inconsistency, it passes the test of credibility and the accused may be convicted solely on the basis thereof. To ensure that justice is meted out, extreme care and caution is required in weighing the conflicting testimonies of the complainant and the accused.^[19]

During trial, AAA recalled the harrowing ordeal she had gone through as follows:

PROSECUTOR MERIN:

x x x x

Q Do you know the person of Roldan Arcos[i]ba alias Intoy?

A Yes, sir.

Q Is he inside this courtroom now?

A Yes, sir.

Q Where is he?

A Witness at this juncture is pointing to a person inside the courtroom who when asked of his name identified himself as Roldan Arcos[i]ba.

Q Why do you know the accused in this case Roldan Arcosiba alias Intoy?

A Because he is a resident in the brgy. where I [am also residing.]

x x x x

Q On March 21, 2004 about 7:00 o'clock in the evening where were you?

A I was in the house of my friend.

Q Who is that friend who was with you at that time?

A [BBB].

Q After you were in the house of [BBB] where did you proceed[?]

A We went to our house.

x x x x

Q When you reached your house about 7:00 o'clock in the evening of March 21, 2004 was there any untoward incident that transpired thereat?

A When we went to our house[,] our house was already opened.

x x x x

Q When you were already inside your house what[,] if any[,] did you observe?

A Our rice was missing.

x x x x

Q And noticing the absence of that 1 sack [of] rice[,] what did you do next?

A I looked for it because I was thinking that it might have