

## THIRD DIVISION

[ G.R. No. 187531, October 16, 2009 ]

**PEOPLE OF THE PHILIPPINES, APPELLEE, VS. ELMER PERALTA Y HIDALGO, APPELLANT.**

### DECISION

**NACHURA, J.:**

For final review by the Court is the trial court's conviction of appellant Elmer Peralta y Hidalgo for statutory rape. In the November 27, 2008 Decision<sup>[1]</sup> of the Court of Appeals (CA) in CA-G.R. CR-HC No. 02772, the appellate court, on intermediate review, affirmed *in toto* the February 13, 2007 Decision<sup>[2]</sup> of the Regional Trial Court (RTC), Branch 30 of San Fernando City, La Union in Criminal Case No. 6789.

As found by both the trial and the appellate courts, the rape incident transpired during the wake of the victim's late grandmother. It was around 8 p.m. on January 2, 2005 when the victim, then a six-year-old lass, on her way to the restroom, saw appellant, a guest in the wake. Appellant asked the young girl to accompany him in buying something from the nearby store. He, however, brought the girl to a grassy area where he carried out his bestial act. Expectedly, the hapless child felt pain in her genitals and protested the intrusion, but her resistance proved futile. After appellant was done molesting her, he threatened the girl that he would beat up her parents if she uttered a word about the incident.<sup>[3]</sup>

The child, with tears in her eyes, rushed home to her parents. When asked about what had happened, she remained mum. The girl, nevertheless, eventually narrated her harrowing ordeal to her parents after her mother, who was to put her to bed, discovered bloodstains on her underwear. Shocked and infuriated, her father sought the help of the authorities and proceeded to the house of appellant, where the latter was apprehended.<sup>[4]</sup>

The medical examination of the child revealed that her hymen was gaping with a laceration at the 11 o'clock position and with minimal bleeding. Her cervix could further admit the examining finger with ease, a finding unusual for a child of tender years.<sup>[5]</sup>

An Information<sup>[6]</sup> for rape was consequently filed with the trial court on January 11, 2005, pertinently stating the following:

That on or about the 2<sup>nd</sup> day of January, 2005 in the City of San Fernando (La Union), Philippines and within the jurisdiction of this Honorable Court, the above-named accused with lewd design and by means of force, violence and intimidation did then and there willfully, unlawfully and feloniously have sexual intercourse with the offended

party [name omitted], minor six (6) years of age against her will, to the damage and prejudice of said [name omitted].

CONTRARY TO LAW.<sup>[7]</sup>

For his defense, appellant relied on denial and alibi, contending in the main that he was on a drinking spree near the place of the wake but he eventually went home at 7 p.m.<sup>[8]</sup>

After trial on the merits, the RTC rendered its February 13, 2007 Decision,<sup>[9]</sup> convicting the appellant of statutory rape. The court lent credence to the firm and straightforward testimony of the victim and to her positive identification of appellant as the perpetrator of the bestial act. The dispositive portion of the trial court's decision reads:

WHEREFORE, premises considered, the Court hereby finds the accused guilty beyond reasonable doubt of the crime of statutory rape and sentences him to suffer imprisonment of reclusion perpetua and orders him to pay the complainant FIFTY THOUSAND (Php 50,000.00) PESOS as civil indemnity and another FIFTY THOUSAND (Php 50,000.00) PESOS as moral damages. With costs.

SO ORDERED.<sup>[10]</sup>

On intermediate review, the CA, in its November 27, 2008 Decision,<sup>[11]</sup> affirmed *in toto* the decision of the trial court. Thus, the Court now finally reviews the trial court's and the appellate court's uniform findings.

The Court affirms appellant's conviction.

Three principles guide the courts in resolving rape cases: (1) an accusation for rape can be made with facility; it is difficult to prove but more difficult for the 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 be allowed to draw strength from the weakness of the evidence for the defense.<sup>[12]</sup>

In a determination of guilt for the crime of rape, primordial is the credibility of complainant's testimony, because, in rape cases, the accused may be convicted solely on the testimony of the victim, provided it is credible, natural, convincing, and consistent with human nature and the normal course of things.<sup>[13]</sup> This eloquent testimony of the victim, coupled with the medical findings attesting to her non-virgin state, should be enough to confirm the truth of her charges.<sup>[14]</sup>

In the instant case, the victim testified that she was raped and identified the appellant as the one who maligned her. Her narration was further supported by medical findings, coupled by the testimony of the examining physician, with regard to her non-virgin state. Of note moreover is that the trial court, which had the undisputed vantage in the evaluation and appreciation of testimonial evidence,