

SECOND DIVISION

[G.R. No. 172372, December 04, 2009]

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
ROMAR TEODORO Y VALLEJO, ACCUSED-APPELLANT.**

DECISION

BRION, J.:

We review in this appeal the January 19, 2006 decision of the Court of Appeals (CA) in CA-G.R. CR-H.C. No. 00752,^[1] affirming *in toto* the February 19, 2001 decision of the Regional Trial Court (RTC), Branch 3, Batangas City.^[2] The RTC decision found appellant Romar Teodoro (*appellant*) guilty beyond reasonable doubt of two (2) counts of statutory rape, and sentenced him to suffer the penalty of *reclusion perpetua* for each count.

ANTECEDENT FACTS

The prosecution charged the appellant before the RTC of the crime of rape under three separate Informations that read:

Criminal Case No. 8538

That on or about the 18th day of June, 1995, in the morning thereof, at *Barangay* Pook ni Banal, Municipality of San Pascual, Province of Batangas, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, by means of force and intimidation, did then and there willfully, unlawfully and feloniously lie with and have carnal knowledge with the said [AAA] who is below twelve (12) years old, against her will and consent.

Contrary to law.^[3]

Criminal Case No. 8539

That sometime in the first week of July 1995, in the morning thereof, at *Barangay* Pook ni Banal, Municipality of San Pascual, Province of Batangas, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, by means of force and intimidation, did then and there willfully, unlawfully and feloniously lie with and have carnal knowledge with the said [AAA], who is below twelve (12) years old, against her will and consent.

Contrary to law.^[4]

Criminal Case No. 8540

That on or about the 30th day of March, 1996, at about 10:00 o'clock in the evening, at *Barangay Pook ni Banal*, Municipality of San Pascual, Province of Batangas, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, by means of force and intimidation, did then and there willfully, unlawfully and feloniously lie with and have carnal knowledge with the said [AAA], who is a twelve (12) year old minor, against her will and consent.

Contrary to law.^[5]

The appellant pleaded not guilty to the charges laid.^[6] The prosecution presented the following witnesses in the trial on the merits that followed: Dr. Rosalina Caraan-Mendoza (*Dr. Mendoza*); Donna Catapang (*Donna*); and AAA. The appellant took the witness stand for the defense.

Dr. Mendoza, the Municipal Health Officer of San Pascual, Batangas, testified that she conducted a medical examination of AAA on March 31, 1996,^[7] and made the following findings:

MEDICO-LEGAL CERTIFICATE

x x x x

- External genitalia - normal looking with 2 points of skin abrasions noted over the lower third of the (L) labia majora.

- Labia majora gaping

- (+) defloration of the hymen, with edges rounded noncoaptible hymenal border and edges retracted compatible with healed lacerations

x x x

- Positive for presence of sperm cells^[8]

Dr. Mendoza stated that she conducted a physical examination of AAA at the request of the police,^[9] and that the healed laceration on AAA's private part was the result of previous sexual intercourse.^[10]

Donna, a medical technologist at the Bauan Pathology Center, testified that Dr. Mendoza requested her to conduct a laboratory examination on the vaginal smear taken from AAA.^[11] She found the vaginal smear positive for the presence of sperm cells.^[12]

AAA declared on the witness stand that she was born on July 21, 1983. She knew the appellant since 1993 because the latter was an employee of her parents.^[13]

AAA recalled that on June 18, 1995, while her parents were at the sugarcane plantation, the appellant went to the bathroom and kissed her on the face and neck. The appellant then removed her clothes, pants and panty.^[14] Thereafter, the appellant took off his pants and inserted his penis into her vagina. AAA struggled and pushed the appellant; the latter threatened to kill AAA if she told her parents about the incident. Afterwards, the appellant left.^[15]

AAA likewise recalled that during the first week of July 1995, the appellant again "raped" her in the bathroom. According to AAA, the appellant first removed her shirt and pants, but she cried and pushed him. The appellant inserted his penis into her vagina after removing her panty.^[16] The appellant threatened to kill her if she reported the incident to her parents. Thereafter, the appellant went to the field.^[17]

AAA further testified that at around 10:00 p.m. of March 30, 1996, while her parents were asleep, the appellant dragged her to the bathroom.^[18] She repeatedly struck the appellant with her hand, but the appellant succeeded in bringing her to the bathroom. The appellant removed AAA's shorts and panty, and, while they were in a standing position, inserted his penis into her vagina.^[19] AAA's brother saw the incident and reported it to their mother.^[20]

On cross examination, AAA stated that she knew the appellant prior to March 30, 1996 because the latter had been staying in their house for three years.^[21] AAA explained that their house had three bedrooms; and that the appellant slept with her (AAA's) brothers.^[22] She maintained that one of her brothers saw the March 30, 1996 rape and reported this incident to their mother. AAA was confronted by her mother the next day.^[23]

The appellant presented a different version of the events and claimed that AAA had been his sweetheart since June 22, 1996.^[24] He denied using force on AAA and claimed that the sexual intercourse between them on March 30, 1996 was consensual. He recalled that on March 30, 1996, while he was lying beside AAA's brother at the *sala*, AAA gave him a signal to follow her to the bathroom. The appellant followed AAA to the bathroom, where they had sex.^[25] After 20 minutes, he went out of the bathroom and went back to his bed.^[26] He likewise denied having raped AAA on June 18, 1995 and on the first week of July 1995.^[27]

The RTC convicted the appellant of two (2) counts of statutory rape in its decision of February 19, 2001. The dispositive portion of this decision provides:

WHEREFORE, in view of the foregoing, the court finds the accused Romar Teodoro y Vallejo in Criminal Case No. 8538 and Criminal Case No. 8539 guilty beyond reasonable doubt of the crime of rape and he is hereby sentenced to suffer the penalty, in each case, of *reclusion perpetua*, to indemnify the complainant [AAA] in the amount of P50,000.00 or a total of P100,000.00, and to pay the cost.

The accused, however, is acquitted in Criminal Case No. 8540, as this Court finds him innocent of the crime charged.

SO ORDERED.^[28]

The records of this case were originally transmitted to this Court on appeal. Pursuant to our ruling in *People v. Mateo*,^[29] we endorsed the case and the records to the CA for appropriate action and disposition.

The CA, in its decision dated January 19, 2006, affirmed the RTC decision *in toto*. The CA dismissed the appellant's argument that the Information in Criminal Case No. 8539 was vague and insufficient because the exact date of the crime was not stated. The CA reasoned out that Section 6, Rule 110 of the Rules on Criminal Procedure merely requires that the Information contain the approximate time, and not the exact time, of the commission of the offense.

The CA likewise believed AAA's testimony which it found credible. It held that the court may convict the accused based solely on the victim's testimony provided it is credible, natural and convincing.

In his brief,^[30] the appellant argued that the lower courts erred in convicting him of two (2) counts of statutory rape despite the prosecution's failure to prove his guilt beyond reasonable doubt. He claimed that the victim's testimony was full of inconsistencies. He likewise contended that the Information in Criminal Case No. 8539 was defective for failure to state the exact date of the commission of the crime.

THE COURT'S RULING

We resolve to **deny** the appeal for lack of merit, but we modify the amount of the awarded indemnities.

Sufficiency of Prosecution Evidence

Rape is defined and penalized under Article 335^[31] of the Revised Penal Code, as amended,^[32] which provides:

ARTICLE 335. *When and how rape is committed.* - Rape is committed by having carnal knowledge of a woman under any of the following circumstances:

1. By using force or intimidation;
2. When the woman is deprived of reason or otherwise unconscious; and
3. **When the woman is under twelve years of age** or is demented.

x x x x

Rape under paragraph 3 of this article is termed *statutory rape* as it departs from the usual modes of committing rape. What the law punishes in statutory rape is

carnal knowledge of a woman *below twelve (12) years old*. Thus, force, intimidation and physical evidence of injury are not relevant considerations; the only subject of inquiry is the age of the woman and whether carnal knowledge took place.^[33] The law presumes that the victim does not and cannot have a will of her own on account of her tender years; the child's consent is immaterial because of her presumed incapacity to discern good from evil.^[34]

AAA, while recounting her unfortunate ordeal, positively identified the appellant as the perpetrator of the **June 18, 1995** rape; she never wavered in this identification. To directly quote from the records:

ATTY. EUGENIO MENDOZA:

Q: Do you know the accused in this case in the person of Romar Teodoro y Vallejo alias Boyet?

[AAA]:

A: Yes, sir.

Q: If he is present in court, will you be able to point to him?

A: Yes, sir.

Q: Please do so.

(Witness pointing to a man and when asked of his name identified himself as Romar Teodoro).

x x x

Q: On the 18th of June 1995 in the morning thereof, do you remember anything unusual?

A: Yes, sir.

Q: What was that?

A: I was abused, sir.

Q: By "*pinagsamantalahan*," what do you mean?

A: **I was raped, sir, by him.**

Q: When you refer to the pronoun him, to whom are you referring?

A: **Romar Teodoro**, sir.

Q: **Where in particular were you raped and/or abused by Romar Teodoro on the 18th day of June 1995 in the morning thereof?**