

EN BANC

[G.R. No. 172970, February 19, 2008]

PEOPLE OF THE PHILIPPINES, Appellee, vs. MARK JASON JAVIER y AMANTE, Appellant.

RESOLUTION

CARPIO, J.:

This is an appeal from the 19 April 2006 Decision^[1] of the Court of Appeals in CA-G.R. CR-HC No. 00433. The Court of Appeals affirmed with modification the 17 November 2004 Decision^[2] of the Regional Trial Court, Branch 12, Sanchez Mira, Cagayan finding appellant Mark Jason Javier y Amante guilty beyond reasonable doubt of qualified rape.

On 27 June 2003, the prosecution charged appellant with raping AAA, who was alleged to be six years old at the time of the commission of the crime.

Appellant pleaded not guilty upon arraignment.

During the trial, the prosecution proved that AAA was born on 24 March 1996. BBB, AAA's father, testified that on the evening of 30 November 2002, he and appellant had a drinking spree at their house. AAA was then sleeping. While BBB went to check on his sow which was about to give birth, appellant offered to buy more gin. When BBB returned home, AAA and appellant were no longer there. BBB sought the help of Ricardo Rivera, Gil Buenavista (Buenavista), Eddie Rivera, and PO3 Silvestre Tagala (PO3 Tagala) to look for AAA. They found appellant naked and sleeping inside one of the classrooms of Capacuan Primary School. AAA was also found sleeping a few meters from appellant. AAA was wearing a dress but without any underwear. There was blood oozing out of AAA's private organ. PO3 Tagala corroborated BBB's testimony.

Dr. Madeliza Padama-Callangan (Dr. Padama-Callangan), the medico-legal officer who examined AAA on the same day, testified that there were positive blood clots on AAA's perennial area, a 3cm. laceration at 6 o'clock position of her vagina, and edema of her labia majora and that AAA's vagina could easily admit two fingers.

Appellant admitted that on the evening of 30 November 2002 he had a drinking spree with BBB. However, appellant alleged that BBB asked AAA to accompany appellant when he went out to buy more gin. Upon returning to BBB's house and finding BBB asleep, appellant left AAA and he went to see Buenavista, his employer. Appellant claimed that he slept in Buenavista's house. Appellant denied raping AAA.

On 17 November 2004, the trial court rendered its decision finding appellant guilty of rape under Articles 266-A (1)(d) and 266-B (1) of the Revised Penal Code, as amended by Republic Act No. 8353. The trial court sentenced appellant to death by

lethal injection, to pay AAA P80,000 as civil indemnity, P100,000 as moral damages, and P100,000 as exemplary damages.

The trial court found the testimonies of BBB, PO3 Tagala, and Dr. Padama-Callangan sufficient to warrant appellant's conviction. The trial court did not give credence to appellant's denial and alibi. The trial court held that appellant's defense was completely destroyed by the consistent sequence of events as narrated by BBB and PO3 Tagala and the medical findings of Dr. Padama-Callangan.

On appeal, appellant alleged that the prosecution failed to prove his guilt beyond reasonable doubt. Appellant contended that there was no direct evidence to show that he committed the crime charged and that his conviction was based on suspicion and surmises.

In its 19 April 2006 Decision, the Court of Appeals affirmed with modification the trial court's decision finding appellant guilty of qualified rape under Articles 266-A (1)(d) and 266-B (5) and reduced the award for civil indemnity to P75,000, moral damages to P50,000 and exemplary damages to P25,000.

Hence, this appeal.

We find the appeal without merit. The Court of Appeals was correct in affirming the ruling of the trial court that the testimonies of the prosecution witnesses and the other evidence clearly established appellant's commission of the rape. The trial court, having the opportunity to observe the witnesses and their demeanor during the trial, can best assess the credibility of the witnesses and their testimonies. [3] Thus, the trial court's findings are generally binding and conclusive, absent any arbitrariness or oversight of some fact or circumstance of weight and influence. [4]

In this case, AAA, the victim, was not able to testify. The evidence of the prosecution is undeniably circumstantial in nature. As provided in Section 4, Rule 133 of the Revised Rules on Evidence, circumstantial evidence is sufficient for conviction if (a) there is more than one circumstance; (b) the facts from which the inferences are derived are proven; and (c) the combination of all the circumstances is such as to produce a conviction beyond reasonable doubt.

The combination of the following circumstances is sufficient to convict appellant of the crime charged:

1. Appellant and BBB were having a drinking spree at BBB's house, where AAA was sleeping;
2. While BBB left to check on his sow that was about to give birth, appellant was left in the house;
3. When BBB returned to his house, appellant and AAA were no longer there;
4. BBB, PO3 Tagala, and their other companions found appellant naked and sleeping inside one of the locked classrooms of Capacuan Primary School;
5. AAA was also found sleeping a few meters from appellant. AAA was wearing a dress but she had no underwear. There was blood oozing out of AAA's private organ;
6. The medical examination of AAA, conducted on the same day, showed that there were positive blood clots on AAA's perennial area, a 3cm. laceration at 6