

THIRD DIVISION

[G.R. No. 172470, April 08, 2008]

PEOPLE OF THE PHILIPPINES, Plaintiff-Appellee, vs. SAMMY RAMOS Y DALERE , Accused Appellant.

D E C I S I O N

CHICO-NAZARIO, J.:

For review is the Decision^[1] dated 10 February 2006 of the Court of Appeals in CA-G.R. CR-HC No. 00003 which affirmed the Decision^[2] of the Regional Trial Court (RTC) of Gubat, Sorsogon, Branch 54, finding appellant Sammy D. Ramos guilty of four (4) counts of rape but acquitted him of the other 46 charges. Appellant was sentenced to suffer the penalty of *reclusion perpetua* for each count and to pay the victim AAA^[3] the amounts of P50,000.00 as civil indemnity and P25,000.00 as moral damages, for every conviction.

Appellant was charged under Article 335(1) of the Revised Penal Code before the RTC with 50 counts of rape spanning the period of 18 January 1992 to 28 March 1992 against his 13-year old daughter.

The four charges which are the subject matter of this appeal were docketed as Criminal Cases No. 1770, 1771, 1772 and 1831. The four similarly-worded Informations, except for the dates of commission, contained the following allegations, to wit:

Criminal Case No. 1770

That on or about the night of January 18, 1992, at Barangay Cogon, Gubat, Sorsogon, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, through force and intimidation, did then and there, willfully, unlawfully and feloniously have carnal knowledge with his own 12-year old daughter, AAA against her will and without her consent, to her damage and prejudice.^[4]

The three other Informations alleged that the rape was committed on 19 January 1992 (Criminal Case No. 1771);^[5] on 20 January 1992 (Criminal Case No. 1772);^[6] and on 28 March 1992 (Criminal Case No. 1831).^[7]

Upon arraignment on 12 February 1993, appellant, assisted by counsel *de parte*, pleaded not guilty to each count of rape. ^[8] Thereafter, joint trial on the merits ensued.^[9]

From AAA's testimony, the prosecution was able to establish the following:

AAA was born out of wedlock on 5 October 1978 to appellant Sammy Ramos and BBB in Consuelo, Santa Marcela, Kalinga, Apayao.^[10] She grew up in the custody of her mother who was living with her maternal grandparents in Ballesteros, Cagayan.^[11] It was there that she studied and finished her elementary education from Grade I until Grade V.^[12] Sometime in May of 1991 and after finishing Grade V, she stowed away from her maternal grandparent's house because her uncle attempted to sexually molest her.^[13] Wanting to experience the love and protection of a father, she proceeded to the hometown of her father in Sta. Marcela, Kalinga, Apayao. There, she stayed with her paternal grandmother for a week until she was fetched by her father's live-in-partner, Maribel Serayda. Maribel Serayda brought AAA to appellant who was then working in Cogon, Gubat, Sorsogon. It was the first time she met her father who worked there as a heavy equipment operator in a construction company allegedly owned by his uncle. While assigned in Sorsogon, AAA's father lived with his live-in partner in one of the barracks for the company employees. When she arrived, AAA stayed with the couple in the barracks. Appellant allowed AAA to continue her studies and she was enrolled in Grade VI in June 1991. Towards the end of 1991, however, Maribel Serayda left because she could no longer bear the physical abuse done to her by the appellant.^[14] From that time, AAA was left alone with appellant in the barracks. The dwelling had two bedrooms which they separately occupied.^[15]

On 18 January 1992, appellant committed the first act of rape. When AAA went to sleep, at about 3:00 a.m., clad in a duster and a panty underneath, she woke up finding appellant on top of her and holding her breast.^[16] He covered her mouth with a blanket and told her not to tell anybody or he would kill her. She tried to extricate herself from the appellant, but the latter proved to be too strong for her. He then removed her panty and inserted his penis into her vagina.^[17] Upon realizing that her struggle to repel appellant from satisfying his bestial desire was coming to naught, AAA began to cry. Appellant switched on the light in the room and turned on the radio. It was from the radio that AAA heard the exact time of the first sexual assault.^[18]

On the night of 19 January 1992, appellant repeated what he did to AAA the day before. He again forced himself into her and threatened to kill her if she would tell anybody of the incident.^[19]

The following night, 20 January 1992, appellant committed the third rape at the same place. He again stayed on top of her and had sexual intercourse against her will.^[20] As in the previous occasions, she did not report the same because she was afraid of him.^[21]

The molestation continued nightly from 21 January to 28 March 1992, except from February 1 to 14 of 1992, when appellant was assigned in Casiguran.^[22]

The last rape incident, which, as mentioned earlier, occurred on 28 March 1992 coincided with the graduation exercises of AAA. During the ceremony, AAA was accompanied by the female secretary of the construction firm named Deding. The graduation program ended at around 9 p.m., after which AAA and Deding went to the barracks to eat. Appellant did not eat with the two. When Deding left, AAA went

to sleep. She was again awakened from her sleep when she felt appellant was on top of her and ravished her against her will.^[23]

On 4 April 1992, she related these harrowing experiences to Nelly Enaje who helped her escape from the claws of the appellant.^[24] Three days after, Nelly Enaje brought her to Danilo Enaje, the Barangay Captain of Cogon.^[25] Danilo Enaje accompanied the victim to the police station. The policemen had her undergo a physical examination at the Gubat District Hospital under Dr. Edna Gorospe who disclosed that the victim's hymen had old lacerations at various areas and that the labia minora had abrasion which means that the victim could have been raped several times before she was examined.^[26]

AAA explained that aside from fact that she was afraid of the threat of the appellant, it took her some time to leave appellant and to report the abuses done to her because she had no other relatives in Sorsogon and that she wanted to finish her schooling which was then in its final stage.^[27]

The defense presented its only witness, the appellant, who denied having committed the charges hurled against him. He claimed that he came to Cogon, Gubat, Sorsogon, in 1991 to work with a construction company as road roller operator. The victim, whom he admitted to be his daughter, stayed with her in a bunk house provided for them by his employer. He testified that sometime in 1992, AAA, together with a friend, took his money which was kept inside the bunk house and ran away from Cogon.^[28] He reported the incident to the barangay captain of Cogon. He looked for AAA in Abuyog, Irosin, Sorsogon and in Manila, but his search was in vain. Upon his return to Cogon, he learned that AAA and her friend were both in Abuyog. He was later called by the mayor of Gubat, Sorsogon, and was put behind bars.^[29]

The RTC, in a decision dated 30 August 1998, convicted the appellant of 4 counts of rape in Criminal Cases No. 17170, 1771, 1772 and 1831 which were committed on 18 January, 19 January, 20 January, and 28 March 1992, respectively. The RTC, however, acquitted appellant of the other 46 rape charges against him for failure of the prosecution to prove his guilt beyond reasonable doubt. The decretal portion reads:

WHEREFORE, judgment is hereby rendered finding the accused Sammy Ramos y Dalere GUILTY beyond reasonable doubt of the crime of rape on four (4) counts in Criminal Case Nos. 1770,1771,1772 and 1831, and hereby sentences him to RECLUSION PERPETUA for each and every count of the crime committed, with all the accessory penalties of the law; and to pay AAA the amount of FIFTY THOUSAND PESOS (P50,000.00) as civil indemnity and TWENTY-FIVE THOUSAND PESOS (P25,000.00) for moral damages, for each of the four felonies of rape, subject to the provisions of Art. 70 of the Revised Penal Code.

The other cases against the accused as stated above, are hereby DISMISSED for failure of the prosecution to prove the guilt of the accused beyond reasonable doubt.^[30]

In its decision dated 10 February 2006, the Court of Appeals affirmed the decision of the RTC, thus:

IN VIEW OF THE FOREGOING, the judgment is rendered AFFIRMING the decision appealed from and DISMISSING the appeal.^[31]

Hence, the instant recourse.

In his brief, the appellant assigns the following errors:

I

THE TRIAL COURT GRAVELY ERRED IN FINDING ACCUSED-APPELLANT GUILTY BEYOND REASONABLE DOUBT OF THE CRIME OF MULTIPLE RAPE NOTWITHSTANDING THE FACT THAT PRIVATE COMPLAINANT HAD HER CLOTHES ON DURING THE OCCURRENCE OF THE ALLEGED INCIDENTS.

II

THE TRIAL COURT GRAVELY ERRED IN NOT FINDING THAT THE TIMID AND PASSIVE CONDUCT AND ACTUATION OF THE PRIVATE COMPLAINANT IMMEDIATELY AFTER THE SUPPOSED SEXUAL ASSAULT ON HER CAST SERIOUS DOUBT ON THE CRIMINAL LIABILITY OF THE ACCUSED-APPELLANT.

Appellant expresses a strong concern over the victim's account of the alleged rape incidents. He claims that the rapes could not have been committed because the offended party had her clothes on all the time when the said incidents took place. He likewise points out that the victim's timid and passive conduct during and after every incident of defloration runs counter to the normal reaction of a rape victim since it is unnatural for a victim to continue living with her tormentor and not to extricate herself from said abusive environment. Moreover, he insists that his conviction of four counts of rape is unwarranted because the victim merely gave general statements that she was raped, but she failed to disclose sufficient details to substantiate her allegations.

In determining the guilt or innocence of the accused in cases of rape, the courts have been traditionally guided by three settled principles, namely: (a) an accusation for rape is easy to make, difficult to prove and even more difficult to disprove; (b) in view of the intrinsic nature of the crime, the testimony of the complainant must be scrutinized with utmost caution; and (c) the evidence of the prosecution must stand on its own merits and cannot draw strength from the weakness of the evidence for the defense.^[32]

Since the crime of rape is essentially one committed in relative isolation or even secrecy, hence, it is usually only the victim who can testify with regard to the fact of the forced *coitus*.^[33] In its prosecution, therefore, the credibility of the victim is almost always the single and most important issue to deal with.^[34] If her testimony meets the test of credibility, the accused can justifiably be convicted on the basis thereof; otherwise, he should be acquitted of the crime.^[35]

In this case, upon assessing the victim's testimony, the RTC found her credible, thus:

In the case at bar, AAA did not only say she had been raped, she described in detail how she had been sexually abused by her own natural father and the testimony of the private complainant bears the earmarks of truth. No woman especially one who is of tender age would concoct a story of defloration, allow an examination of her private parts and thereafter permit herself to be subjected to a public trial, if she is not motivated solely by the desire to have the culprit punished.

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On the basis of substantial evidence of culpability which the defense of denial and alibi failed to overcome, this Court is persuaded into finding and holding, as it hereby finds and holds that on four (4) occasions: (1) in the early morning of January 18, 1992; (2) in the evening of January 19, 1992; (3) in the evening of January 20, 1992; and (4) in the evening of March 28, 1992 in Cogon, Gubat, Sorsogon.^[36]

This Court itself has assiduously scrutinized the transcripts of stenographic notes of this case and like the RTC, it finds the victim's testimony of the incident forthright and straightforward, reflective of an honest and realistic account of the tragedy that befell her. She narrated the first and the second rape incidents in this manner:

Q: Now, at the initial stage of the hearing you mentioned that your stepmother by the name of Maribel left your father in December 1991. After she left your father, who was with you together with your father in Cogon?

A: Only the two of us.

Q: Now, you were then staying in that barracks you mentioned last time-the barracks of the 642 Construction at Cogon?

A: Yes, sir.

Q: Can you still describe to us that barracks or your place of residence?

A: Yes, sir.

Q: How many bedrooms were there in that barracks?

A: Two.

Q: Those are bedrooms?

A: Yes, sir.

x x x x