

THIRD DIVISION

[G.R. No. 177822, June 17, 2008]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
HILARIO OPONG Y TAÑESA, ACCUSED-APPELLANT.**

D E C I S I O N

CHICO-NAZARIO, J.:

For review is the Decision^[1] of the Court of Appeals in CA-G.R. CR-H.C. No. 00416 MIN dated 25 October 2006, affirming *in toto* the Decision^[2] of the Davao City Regional Trial Court (RTC), Branch 17, in Criminal Cases No. 43,**381**-99 and No. 43,**382**-99, finding accused-appellant Hilario Tañesa Opong guilty of two counts of simple rape.

The factual antecedents are as follows:

On 23 June 1999, two separate informations were filed before the RTC charging appellant with rape,^[3] thus:

CRIMINAL CASE NO. 43, **381**-99

That on or about **May 2, 1999** in the City of Davao, Philippines, and within the jurisdiction of this Honorable Court, the above-mentioned accused, by means of force and intimidation, did then and there willfully, unlawfully and feloniously have carnal knowledge with **AAA**,^[4] who is fifteen (15) years of age against her will.

CRIMINAL CASE NO. 43, **382**-99

That on or about **May 9, 1999** in the City of Davao, Philippines, and within the jurisdiction of this Honorable Court, the above-mentioned accused, by means of force and intimidation, did then and there willfully, unlawfully and feloniously have carnal knowledge with **AAA**, who is fifteen (15) years of age against her will. (Emphases supplied.)

Subsequently, the cases were consolidated for joint trial. When arraigned on 26 November 1999, appellant, with the assistance of counsel *de oficio*, pleaded "Not guilty" to each of the charges.^[5] Trial on the merits thereafter ensued.

The prosecution presented as witnesses AAA, Dr. Danilo Ledesma (Dr. Ledesma), and PO2 Jocris Sarenas (PO2 Sarenas). Their testimonies, taken together, present the following narrative:

Sometime in the year 1999, AAA was employed as a stay-in housemaid by Philippine National Police (PNP) Senior Superintendent Palawan Macadingdang (Supt.

Macadingdang) in the latter's family residence at Tagum City, Davao.^[6]

On 20 March 1999, per instruction of Mrs. Macadingdang (wife of Supt. Macadingdang), AAA went to Camp Catitipan, Panacan, Davao City, to serve as stay-in housemaid in the quarters of Supt. Macadingdang.^[7]

On 2 May 1999, at about 7:00 in the evening, AAA, then 15 years of age, was left alone in the quarters of Supt. Macadingdang since the latter was at Tagum City. She went out of the quarters and sat on a bench located outside the Senior Officers Quarters Building (SOQB). Appellant, then working as a grass-cutter in Camp Catitipan, approached her and asked for a glass of cold water. She agreed and told him to wait outside the SOQB. She entered the SOQB and proceeded inside her employer's quarters.^[8]

While she was filling up a drinking glass with cold water inside the quarters, appellant suddenly barged in. She handed the glass of cold water to appellant who, instead of taking it, held her hands tightly. She shouted for help but appellant covered her mouth and told her to keep quiet otherwise he would kill her. Thereupon, appellant pushed her, causing her to fall on the cemented floor. She tried to resist appellant's advances by kicking and pushing him away, but she was overpowered. Appellant then forcibly removed her panty, put himself on top of her, and repeatedly inserted his penis into her vagina. She felt pain in her vagina. Later that same evening, appellant ravished her again. Appellant warned her not to tell anyone of the incident or he would kill her.^[9]

Again, on 9 May 1999, at about 8:30 in the evening, she was left alone inside the quarters. After washing the dishes, she went out of the quarters. Seeing appellant roaming inside the SOQB, she hurriedly went back to the quarters and locked the door. After several minutes, and thinking that appellant might have already left the building, she opened the door of the quarters. Appellant, who was all the while waiting in front of the door of the quarters, forcibly entered the quarters and pushed her. She knelt and pleaded with him not to touch her but to no avail. Appellant removed her panty, placed himself on top of her, and inserted his penis into her vagina. Afterwards, appellant reiterated his threat to kill her if she would tell anyone of the incidents.^[10]

On 10 May 1999, Supt. Macadingdang arrived at the quarters but she did not inform him of the incidents because of her fear that appellant would make good his threats to kill her.^[11]

On 4 June 1999, Mrs. Macadingdang arrived and stayed at the quarters. As days passed by, Mrs. Macadingdang noticed that she was getting weak and was inefficient in her household tasks. Mrs. Macadingdang inquired from her if she had a problem. She cried and told Mrs. Macadingdang that she was raped by appellant. Subsequently, she and Mrs. Macadingdang relayed to Supt. Macadingdang the incidents.^[12]

Supt. Macadingdang reported the incidents to the commander of Camp Catitipan, a certain Colonel Velasco. Thereafter, Police Officers Jocris Sarenas and Jesus Mayabason of the Buhangin Police Station, Davao City, arrived at Camp Catitipan

and took AAA and appellant to the precinct for investigation. Thereupon, appellant was charged with raping AAA.^[13]

Dr. Ledesma, Medico-Legal Officer IV of the Medical Service Office of the City of Davao, personally examined AAA.^[14] His findings, as stated in the medico-legal report, are as follows:

FINDINGS

GENERAL PHYSICAL EXAMINATION:

Height : 149.0 cms.

Fairly nourished, normally developed, conscious, coherent, cooperative, ambulatory subject.

Breasts : Fully developed, hemispherical, firm. Areolae, light brown, 3.0 cms. in diameter. Nipples, light brown, protruding, 0.8 cm. in diameter.

No extragenital physical injuries noted.

GENITAL EXAMINATION:

Pubic hair, fully grown, moderate. Labia majora, gaping. Labia minora, coaptated. Fourchette, lax. Vestibule, pinkish, smooth. Hymen, thick, tall, intact, distensible. Hymenal Orifice, annular, admits a tube, 2.5 cms. in diameter. Vaginal walls, tight. Vaginal rugosities, prominent.

CONCLUSIONS:

1) No evident sign of extragenital physical injuries noted on the body of the subject at the time of examination.

2) Hymen, intact, but distensible and its orifice, wide as to allow complete penetration by an average-sized male organ in erection without causing hymenal injury.^[15]

The prosecution also proffered documentary evidence to bolster the testimonies of its witnesses, to wit: (1) the medico-legal report with regard to AAA issued and signed by Dr. Ledesma and marked as Exhibit "A";^[16] and (2) certification from the Office of the Civil Registrar of Davao City issued and signed by Civil Registrar Marcelino A. Perandos attesting that AAA's date of birth as stated in the Register of Births was on 1 October 1983, marked as Exhibit "B."^[17]

For its part, the defense presented the testimonies of appellant, Evangeline Wilson (Wilson), and Supt. Macadingdang to refute the foregoing accusations.

Appellant testified that he started working as a grass-cutter at Camp Catitipan on 27 November 1997. He met AAA for the first time on 27 April 1997 in Camp Catitipan when AAA approached and introduced herself to him. AAA liked him because she constantly sent her regards to him through a girl named Baliling. Except for the

whole month of January 1999, he never slept inside the premises of Camp Catitipan. He denied raping AAA on 2 and 9 May 1999. He never entered the SOQB and the quarters of Supt. Macadingdang because it was a prohibited area for a civilian like him.^[18]

Wilson, barangay captain of Pangian, Malita, Davao del Sur, narrated that she had known appellant since birth because they both belong to the Manobo tribe. She verified that appellant had good moral character because he never committed any offense since childhood.^[19]

Supt. Macadingdang told the court that AAA was his stay-in housemaid at his quarters in Camp Catitipan; that he cannot remember the exact dates of the incidents; that after being informed by his wife and AAA of the incidents, he requested Colonel Velasco to turn over appellant to the police for investigation; and that he cannot remember if he personally asked assistance from the Buhangin Police Station regarding the incidents.^[20]

After trial, the RTC rendered a Decision on 19 July 2000 convicting appellant of two counts of simple rape. In each of the two cases, the trial court imposed on appellant the penalty of *reclusion perpetua* and monetary award by way of damages. The dispositive portion of the decision reads:

WHEREFORE, finding the evidence of the prosecution more than sufficient to prove the guilt of accused beyond reasonable doubt in Criminal Case No. 43,381-99 and in Criminal Case No. 43,382-99 above-mentioned pursuant to Art. 355 of the Revised Penal Code as amended by Republic Act 7659, without any aggravating circumstance attendant in the commission of the offense charged, in the two (2) above-informations, accused, HILARIO OPONG Y TAÑESA, is sentenced to suffer a penalty of RECLUSION PERPETUA, in each of the above- Criminal Case No. 43,381-99 and Criminal Case No. 43,382-99, together with all accessory penalty as provided for by law.

Moreover, pursuant to Art. 100 in relation to Art. 104 of the Revised Penal Code, governing civil indemnity, above-accused, is furthermore ordered to pay complainant, AAA the amount of P50,000.00 in each of the two (2) counts of rape or a total amount of P100,000.00 by way of civil indemnity, another amount of P50,000.00 by way of moral damages or a total amount of P100,000.00; still another amount of P50,000.00 or a total amount of P100,000.00 by way of exemplary damages, to give example to the public as a deterrent in the further commission of said abominable and despicable offenses.^[21]

On 11 August 2000, appellant filed a Notice of Appeal with the RTC stating that he would appeal his conviction to this Court.^[22]

On 14 August 2000, the RTC issued an Order forwarding the records of the instant case to us for review.^[23]

On 9 March 2005, we issued a Resolution^[24] remanding the present case to the Court of Appeals for proper disposition pursuant to our ruling in *People v. Mateo*.^[25]

On 25 October 2006, the Court of Appeals promulgated its Decision affirming *in toto* the Decision of the RTC. Thus:

Appellant has not shown that departure from the findings of facts of the trial court is proper.

WHEREFORE, the Joint Judgment of the trial court is affirmed *in toto*.^[26]

Before us, appellant assigns the following errors:

I.

THE TRIAL COURT ERRED IN GIVING FULL FAITH AND CREDENCE TO PRIVATE COMPLAINANT'S CLAIM THAT SHE WAS RAPED DESPITE THE FACT THAT THE CHARGE WAS BELIED BY THE RESULT OF THE MEDICAL EXAMINATION.

II.

THE TRIAL COURT ERRED IN FINDING THE ACCUSED-APPELLANT GUILTY BEYOND REASONABLE DOUBT OF THE CRIMES CHARGED.

III.

ON THE ASSUMPTION THAT ACCUSED-APPELLANT SEXUALLY ASSAULTED THE PRIVATE COMPLAINANT, THE CRIME HE COMMITTED WAS ONLY ATTEMPTED RAPE.^[27]

In reviewing rape cases, this Court is guided by three principles, to wit: (1) an accusation of rape can be made with facility, it is difficult to prove but more difficult for the person accused, though innocent, to disprove; (2) in view of the intrinsic nature of the crime of rape in which 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 draw strength from the weakness of the evidence for the defense.^[28]

As a result of these guiding principles, the credibility of the complainant becomes the single most important issue.^[29] If the testimony of the victim is credible, convincing and consistent with human nature, and the normal course of things, the accused may be convicted solely on the basis thereof.^[30]

We have carefully examined AAA's court testimony and found it to be credible and trustworthy. Her positive identification of appellant as the one who ravished her on 2 and 9 May 1999 and her direct account of the bestial acts are clear and consistent,^[31] viz:

FISCAL EVANGELIO:

Q. Sometime on May 2, 1999, at about 7:00 o'clock in the evening, AAA, can you recall where were you?