

## THIRD DIVISION

[ G.R. No. 181086, July 23, 2008 ]

**PEOPLE OF THE PHILIPPINES, APPELLEE, VS. ALFREDO NATAN,  
APPELLANT.**

### ***DECISION***

**YNARES-SATIAGO, J.:**

Defilers of women are an especially despicable ilk of evil men, and more so those who would inflict their lasciviousness upon innocent and defenseless children. They are filthier than the slime where they belong. Whatever punishment imposed on them can never expiate their loathsome offense.<sup>[1]</sup> Rape is not a simple physical violation. It debases a woman's dignity, leaving a stigma on her honor and scarring her psyche for life.<sup>[2]</sup>

This case involves a crime of rape committed in 1992 against "Maria," a 6-year old girl. After suffering in silence for more than five years, Maria found courage and filed a complaint for rape against herein appellant Alfredo Natan on September 9, 1997, the accusatory portion of which reads:

That sometime on the month of June or July 1992 at around 5:30 o'clock in the afternoon, in the municipality of Inopacan, Province of Leyte, Philippines and within the jurisdiction of this Honorable Court, the above-named accused by means of force and intimidation, willfully, unlawfully and feloniously did lie and succeeded in having carnal knowledge with "Maria", a minor of 11 years old, in a grassy spot beside a caimito tree, against her will and consent.

CONTRARY TO LAW.<sup>[3]</sup>

Appellant pleaded not guilty when arraigned.

During trial, "Maria" testified that sometime in June or July of 1992 at around 5:30 in the afternoon, appellant who is her godfather, arrived at their house and brought her to Inopacan Central School in Inopacan, Leyte. Appellant who was holding a knife ordered "Maria" to remove her panty. Thereafter, he kissed and embraced her and tried to insert his penis into her vagina but he failed to penetrate her. Appellant warned the victim not to tell anyone about what happened or she would be killed.

Five days later, appellant returned to the victim's house and brought her to an isolated place in Brgy. Tinago, Inopacan, Leyte. Appellant undressed "Maria" and while in a standing position, proceeded to have carnal knowledge of her. Appellant again threatened Maria with bodily harm if she would tell her parents about what happened. Thereafter, appellant sexually assaulted the victim on several occasions.

On July 25, 1997, "Maria" was at the house of her Uncle Johnny but she immediately left upon the arrival of appellant. When she returned, she learned that her cousin "Gina" was sexually abused by appellant. At that time, "Maria" decided to inform her Uncle Johnny of the beastly acts also committed on her by appellant, who in turn informed her grandmother.

Dr. Antonina Ruiz, the resident physician at Western Leyte Provincial Hospital, conducted an examination on "Maria." She noted healed hymenal lacerations in her genitals which she opined could be caused by a penis or any hard object.

The defense presented appellant as its lone witness. He denied having raped "Maria." He alleged that he was not present at the crime scene at the time of its commission; that in June, 1992, he was in Tacloban City and in July, 1992, he was in Samar; that the complaint against him was filed because the offended party and her family had a grudge against him; that sometime in 1991, he boxed Allan Simbahon, a brother of "Maria's" mother, during an altercation.

The trial court lent credence to the version of the prosecution. It found the narration of the victim candid, sincere and clear. It disregarded appellant's defense of alibi noting that Inopacan could be traversed by car in two hours, hence it was not physically impossible for the appellant to be present at the crime scene.

The trial court also found no ill motive on the part of the victim or her family in filing the suit; and that it was unthinkable for a victim who was a minor to fabricate the rape charge and to undergo the rigors of physical examination and public trial only because of hatred or ill-feelings.

On October 17, 2003, the Regional Trial Court of Hilongos, Leyte, Branch 18, rendered judgment finding appellant guilty as charged. The dispositive portion of the Decision, reads:

WHEREFORE, after painstakingly considering all the foregoing this court found the accused ALFREDO NATAN @ "BLACKIE" GUILTY BEYOND REASONABLE DOUBT of the crime of STATUTORY RAPE under Article 335 of the Revised Penal Code As Amended, and hereby sentences him to suffer the penalty of DEATH and to pay the victim the amount of Php50,000.00 as moral damages; Php75,000.00 as civil indemnity and Php20,000.00 as exemplary damages.

IN THE SERVICE OF HIS SENTENCE, accused is hereby credited with the full time of his preventive imprisonment if he agree in writing to abide by the same rules and regulations upon convicted prisoners otherwise he will only be entitled to 4/5 of the same.

SO ORDERED.<sup>[4]</sup>

On appeal, appellant alleged that Maria was inconsistent as to whether it was appellant or herself who removed her panty; and also as to when appellant brought her to Brgy. Tinago where she was raped the second time.

On June 28, 2007, the Court of Appeals rendered judgment<sup>[5]</sup> affirming with