

SECOND DIVISION

[G.R. No. 172115, August 06, 2008]

PEOPLE OF THE PHILIPPINES, APPELLEE, VS. JESUS BALIGOD Y PINEDA, APPELLANT.

DECISION

QUISUMBING, J.:

This is an appeal from the Decision^[1] dated February 9, 2006 of the Court of Appeals in CA-G.R. CR-H.C. No. 00368, which had affirmed the Judgment^[2] dated July 20, 2004 of the Regional Trial Court (RTC) of xxx, Cagayan, Branch 11 in Criminal Case No. 971-T, finding appellant Jesus Baligod y Pineda guilty beyond reasonable doubt of the crime of rape under Article 266-A(1)(a)^[3] in relation to Article 266-B^[4] of the Revised Penal Code, as amended; sentencing him to suffer the penalty of *reclusion perpetua*; and ordering him to pay the victim P50,000 as civil indemnity and P50,000 as moral damages.

The Information^[5] dated February 4, 2002 in which Baligod was indicted for the crime of rape reads:

x x x x

That on or about August 16, 2001, in the Municipality of [xxx], Province of [xxx], and within the jurisdiction of this Honorable Court, the said accused, JESUS BALIGOD Y PINEDA, with lewd design and by the use of force and intimidation, did, then and there willfully, unlawfully and feloniously have sexual intercourse with the offended party, [AAA],^[6] against her will.

Contrary to law.

When arraigned, Baligod pleaded not guilty. Trial ensued thereafter.

Based on the testimonies of AAA, the victim herself, and BBB, the wife of AAA's nephew, the prosecution established that at around 9:00 p.m. on August 16, 2001, AAA, 67 years old, was on her way to her sister's place in xxx, Cagayan. While she was at the roadside looking for a tricycle, Baligod came from behind, grabbed her and held her neck. She struggled but she fell to the ground. Baligod dragged her towards the inner portion of the roadside and continuously boxed her on the chest and mouth. Then he forced her to lie down. He threatened to kill her. When she got weak, Baligod removed her shorts and underwear, went on top of her and inserted his penis inside her vagina. After satisfying his lust, Baligod ran away. AAA cried for help.^[7]

BBB was at her residence around 9:30 p.m. and heard AAA's cry for help. She and her husband went outside and saw AAA sitting at the roadside naked from waist down. AAA's mouth was bleeding, her face was swollen and she was having difficulty breathing. When they asked AAA what happened, AAA narrated that she was sexually molested by "Kisut" Baligod. BBB sought the help of DDD, AAA's brother, who reported the incident to the police authorities. AAA was brought to xxx District Hospital.^[8]

The medical certificate issued by Dr. Rowena Martina Cardenas-Sion, who physically examined AAA, sets forth the following:

1. Contusion, about 2x2.0 cm. mandibular area.
2. Periorbital contusion-hematoma, right with subconjunctival hemorrhage.
3. Perioral contusion-hematoma.
4. (+) Positive erythema, anterior neck.
5. Cyanotic tongue.
6. (+) Positive edematous gingivae, lower.
7. (+) Positive severe tenderness anterior chest.
8. (+) Positive superficial abrasions irregular knee, bilateral.
9. I.E. - Edematous clitoral area with severe tenderness.
HYMEN - very old healed lacerations at 2, 6, 10 o'clock area.

Vagina admits 2 fingers snugly with tenderness.^[9]

Baligod denied the charges against him and testified that on August 16, 2001, he was at xxx until 5:00 p.m., plying his usual route as a tricycle driver. After driving the whole day, he brought three bottles of gin at the house of Mario Castillo and had a drink with the latter. After their drinking spree, Castillo took him home. On their way to his house, they passed by and joined a group who was drinking liquor in one corner. Suddenly, AAA arrived and approached him to bring her to xxx, but he refused and instead told her to go home because it was already dark. AAA did not heed his advice and continued to walk towards the direction of xxx. His companions told him that AAA has a history of attempting to commit suicide whenever she does not get what she wants. On his way home later that night, he saw AAA still walking. Afraid that she would commit suicide, he followed her and advised her to go home. AAA still refused so he boxed her. AAA then went home.^[10]

After trial, the court *a quo* rendered judgment convicting Baligod of the crime of rape under Art. 266-A(1)(a) in relation to Art. 266-B of the Revised Penal Code, as amended. The trial court gave weight to AAA's testimony, which was given clearly, convincingly and logically. It also ruled that absent any imputation of ill-motive on AAA, she had no reason to concoct a false tale of rape against Baligod. It also considered the corroborating testimony of prosecution witness BBB as part of the *res gestae* and noted the medical findings of AAA as well. The *fallo* of the decision reads,

WHEREFORE, in view of all the foregoing, the Court hereby finds that the guilt of the accused Jesus Baligod Y Pineda alias Kisut for the crime of rape defined and penalized under [A]rt. 266-a:1(a) in relation to Art. 266-b both of the Revised Penal Code as amended by Republic Act 8353 has been proven beyond reasonable doubt and hereby sentences the said accused JESUS BALIGOD Y PINEDA to suffer imprisonment of twenty five

(25) years of Reclusion Perpetua. He is further sentenced to pay the private complainant [AAA] the amount of P50,000.00 as civil indemnity plus the further amount of P25,000.00 as moral damages.

SO ORDERED.^[11]

On appeal, the Court of Appeals upheld the trial court's ruling but modified the award of moral damages. It regarded AAA as a credible witness and accorded full credence to AAA's testimony because it was categorical, straightforward and consistent. It also ruled that appellant's acts of grabbing AAA, holding her neck, boxing her several times on the chest and mouth and threatening to kill her are strongly suggestive of force or at least intimidation sufficient to bring her to submission.^[12] The decretal portion of the decision reads:

WHEREFORE, the appealed decision in Criminal Case 971-T is hereby **AFFIRMED with MODIFICATION**. Accused-appellant **Jesus Baligod y Pineda** is hereby sentenced to suffer the penalty of *reclusion perpetua*. He is further ordered to indemnify the private complainant the sums of P50,000.00 as civil indemnity and P50,000.00 as moral damages.

SO ORDERED.^[13]

The case is now before us for final disposition. In his brief, appellant faults the trial court in

...CONVICTING THE ACCUSED-APPELLANT OF RAPE WHEN THE LATTER'S GUILT WAS NOT PROVEN BEYOND REASONABLE DOUBT.^[14]

Essentially, the issue for our resolution is whether appellant's guilt has been proven beyond reasonable doubt.

In his brief, appellant assails the sufficiency of the prosecution evidence and contends that the prosecution should not draw its strength from the weakness of his defense. He claims that he was drinking liquor with a group when AAA approached her to accompany her to xxx. He refused her plea, but he got worried because his companions informed him that she has a suicidal tendency. So, he followed her to advise her to go home instead, but she insisted to do otherwise. Appellant admits he boxed her, but denies raping her. He also argues that he could not have raped her because she was already 68^[15] years of age.

For the State, the Office of the Solicitor General contends that the following elements of rape were proven: (1) that the offender had carnal knowledge of a woman; and (2) that such act is accomplished by using force or intimidation. It cites the trial court's findings according credence to the testimonies of AAA and BBB. It also points out that appellant's acts of boxing AAA negate appellant's testimony "that he only boxed AAA because he respected her."

We affirm appellant's conviction.

Rape is generally unwitnessed and oftentimes, the victim is left to testify for herself.^[16] Thus, in resolving rape cases, the victim's credibility becomes the primordial consideration. If a victim's testimony is straightforward, convincing and consistent

with human nature and the normal course of things, unflawed by any material or significant inconsistency, it passes the test of credibility and the accused may be convicted solely on the basis thereof.^[17] To ensure that justice is meted out, extreme care and caution is required in weighing the conflicting testimonies of the complainant and the accused.

During trial, AAA recounted the terrible experience which had befallen her as follows:

FISCAL:

x x x x

Q What was that?

A I was holding a wick lamp going to the house of my relatives to ask for a tricycle available.

Q What happened while you were on your way?

A He suddenly grabbed me by the neck from behind then I fell to the ground and the lamp I was holding also fell to the ground.

Q Who grabbed you?

A Jesus Baligod.

Q If this person will be shown to you, will you be able to identify him?

A Yes, sir.

Q If he is around the courtroom will you please point at him.

A There, sir. (Witness pointed to a person and who was asked his name and he answered that he is Jesus Baligod).

COURT:

Q Where did Jesus Baligod come from before he grabbed you?

A From behind.

x x x x

Q You said that the accused grabbed you and you fell to the ground, what did he do after that?

A He boxed me, held my neck and he even boxed my chest.

Q How many times did he box you?

A I can't remember anymore, sir.

COURT:

Q Did he stay on top of you?

A Yes, sir.

FISCAL:

Q Then what did he do next?