

THIRD DIVISION

[G.R. NO. 172323, January 29, 2007]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. JUDY
SALIDAGA Y QUINTANO, 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. 01332 which affirmed *in toto* the Decision^[2] of the Regional Trial Court of Pasig City, Branch 166, finding accused-appellant Judy Salidaga y Quintano guilty of the crime of rape and sentencing him to suffer the penalty of *reclusion perpetua* and to pay his victim, AAA,^[3] the amounts of P50,000.00, as civil indemnity, and P50,000.00, as moral damages. He was also ordered to pay the costs of suit.

The factual antecedents are as follows:

An Information dated 20 December 2002 was filed against appellant charging him with rape committed as follows:

On or about December 16, 2002, in Pasig City, and within the jurisdiction of this Honorable Court, the accused, armed with a knife, and by means of force, violence and intimidation, did then and there willfully, unlawfully and feloniously have sexual intercourse with the complainant, AAA, against her will and consent.^[4]

Upon arraignment on 6 February 2003, appellant entered a plea of not guilty^[5] and shortly thereafter, trial ensued.

The prosecution presented, as its lone witness, the victim herself. In her testimony, she stated that at the time of the incident, she was alone and asleep at their house located in Bolante, Pasig City when appellant placed himself on top of her and poked a knife at her neck. She then claimed that she lost consciousness as she was overcome by fear for her life. Appellant then inserted his sex organ into her vagina. She was not able to put up a fight because she was afraid that appellant would kill her. After appellant had satisfied his lust, he stood up and left the victim's house. A few hours lapsed before AAA went to see her live-in partner at his place of work and narrated to him what transpired earlier that afternoon. Her live-in partner was enraged and asked her how the rape took place. Eventually, he instructed AAA to return to their house. On 20 December 2002, she reported the incident to the police.^[6]

The prosecution likewise presented the Sworn Statement of AAA^[7] and the Initial Medico-Legal Report issued by the crime laboratory of the Philippine National Police.

[8] The report was signed by a certain P/Sr. Insp. Daileg who conducted the physical examination on AAA. It bears the following information:

FINDINGS: Hymen: Carunculae myrtiformis

CONCLUSION: Subject is non-virgin state physically (sic)[9]

The defense presented appellant as its sole witness. He testified that on 11 June 2002, he and AAA commenced living together as lovers. However, their relationship was short-lived as he was instructed by his parents to go back home to Taguig. Apart from this, the two of them were having disagreements with respect to their finances and there was talk going around in their neighborhood that AAA was seeing somebody else. He disclosed that, while they were still living together, he caught AAA with another man. He added that during one of their altercations, AAA allegedly threatened to send him to jail. Not long after, AAA decided to terminate their relationship.

Appellant also stated that during the time when the supposed rape took place, he was installing the flooring of the house belonging to "Lando" and "Ate Aling" in Bolante, Pasig City.

The defense did not present any documentary evidence.

On 26 November 2003, the trial court rendered its decision, the dispositive portion of which states:

WHEREFORE, the Court finds accused Judy Salidaga y Quintano Guilty beyond reasonable doubt, as principal, of the crime of Rape, as charged in the Information, and there being neither mitigating nor aggravating circumstance, he is hereby sentenced to suffer the penalty of Reclusion Perpetua and pay AAA P50,000.00, as civil indemnity and P50,000.00, as moral damages, plus the costs of suit.[10]

In adjudging appellant guilty, the trial court declared that –

(a)fter a thorough examination and full evaluation of the evidence on record, the Court finds that the following relevant facts have been adequately established:

1. On December 16, 2002, at about 1:00 o'clock in the afternoon at Bolante II, Pinagbuhatan, Pasig City, while private complainant AAA was alone and asleep in their house, accused (appellant herein) Judy Salidaga entered the house.
2. Accused went on top of AAA, poked a knife at her neck, removed her shorts and inserted his penis inside her vagina.
3. AAA was gripped with fear. She could not fight and resist the sexual assault because of the knife poked at her neck and she was afraid accused would kill her.

4. Accused immediately left and disappeared after satisfying his bestial lust.

The crime of rape is committed by a man who has carnal knowledge of a woman through force, threat or intimidation and is punishable by Reclusion Perpetua (Articles 266-A and 266-B, Revised Penal Code, as amended by R.A. 8353, known as the Anti-Rape Law of 1997).

Considering the established relevant facts and the law applicable, the Court is convinced that the accused committed the crime of Rape as charged in the Information.

Accused's defense of denial and alibi cannot outweigh or overcome the positive and unequivocal narration of AAA on how she was ravished by the accused. The record is bereft of any proof that AAA is actuated by ill-motive in charging accused of a very serious crime. Accused's asseveration that he and AAA were live-in partners from June to November, 2002, even if true, cannot weaken the clear, candid and categorical statement of AAA that accused sexually abused her on December 16, 2002.^[11]

A Notice of Appeal^[12] was seasonably filed by appellant and the trial court ordered the transmittal of the entire records of the case to this Court. Subsequently, we ordered the referral of the case to the Court of Appeals conformably with our decision in the case of *People v. Mateo*.^[13]

On 16 November 2005, the Court of Appeals promulgated its Decision affirming the judgment of the trial court. The decretal portion of the decision reads:

UPON THE VIEW WE TAKE OF THIS CASE, THUS, the decision appealed from must be, as it is hereby, **AFFIRMED *in toto***. Costs against the accused-appellant.^[14]

Appellant is again before us asserting his innocence and impugning the finding of the Court of Appeals on the sole ground that –

THE TRIAL COURT GRAVELY ERRED IN CONVICTING THE ACCUSED DESPITE THE FAILURE OF THE PROSECUTION TO ESTABLISH HIS GUILT BEYOND REASONABLE DOUBT.^[15]

We find merit in the petition.

In determining the guilt or innocence of the accused in rape cases, the courts are guided by three well-entrenched principles: (1) an accusation of rape can be made with facility and while the accusation is difficult to prove, it is even more difficult for the accused, though innocent, to disprove; **(2) considering that in the nature of things, only two persons are usually involved in the crime of rape, the testimony of the complainant should be scrutinized with great caution;** and (3) the evidence for the prosecution must stand or fall on its own merits and cannot be allowed to draw strength from the weakness of the evidence for the defense.^[16]

The Court of Appeals, in sustaining the trial court, declared that the appellant's

defense of denial and alibi cannot outweigh AAA's positive and unequivocal narration as to how the rape was perpetrated by appellant. In the process, the Court of Appeals reiterated the familiar rule that "alibi, like denial, is an intrinsically weak defense which must be supported by strong evidence of lack of culpability."^[17]

It must be emphasized that in this case, the prosecution presented only one witness who was none other than the offended party herself. We retrace the lone testimony of AAA as follows:

DIRECT EXAM.

BY FISCAL PAZ:

q AAA, do you recall where were you on December 16, 2002 at 1:00 o'clock in the afternoon?

a Yes, sir.

q Where were you?

a In the house.

q Where were your house located then?

a Bolante, Pasig City, sir.

q What were you doing in your house on said date and time?

a I was sleeping.

q At the time, did you have companions in the house?

a None.

q While you were sleeping on said date and time in your house, do you recall if there was something that happened?

a Yes.

q What was that?

a He went on top me and poked a knife at my neck, sir.

q You said "he," who was that person you are referring to?

a Judy.

q If he is inside the court room, please went (sic) down and tap his shoulder.

a I cannot do it.

q Will you point to him?

COURT:

Witness pointing to a person who when asked gave his name as Judy Salidaga.

PROSEC. PAZ;

After the accused went on top of you and poked a knife at your neck, what happened next?

a **I was not conscious when it happened.**

q Why were you not conscious?

a I was scared.

q Scared of what?

a Because of the knife poked at my neck and I am afraid he might kill me.

q What did the accused do when he went on top of you?

a He put his sex organ inside.

q Where did he put his sex organ.

a Mine.

q In your sex organ?

a Yes.

q What did you do when he did that?

a None.

q Why did you not do anything?

a Because I was afraid.

q Why were you afraid?

a Because of the knife poked at my neck and he might kill me.

q About how long was his sex organ inside yours?

a I cannot recall.

q After the accused inserted his penis inside your vagina, what happened next?