

THIRD DIVISION

[G.R. NO. 175946, March 23, 2007]

**PEOPLE OF THE PHILIPPINES, APPELLEE, VS. RAYMUNDO
DADULLA @ "MUNDO", APPELLANT.**

DECISION

YNARES-SANTIAGO, J.:

Before us for review is the September 15, 2006 Decision^[1] of the Court of Appeals in CA-G.R. CR-H.C. No. 00204 affirming with modification the Decision^[2] dated May 26, 1999 of the Regional Trial Court of Guiuan, Eastern Samar, Branch 3, in Criminal Case No. 1524, finding appellant Raymundo Dadulla guilty beyond reasonable doubt of simple rape.

On February 28, 1996, an Information was filed charging appellant with rape. The accusatory portion of the Information reads:

That on or about the 22nd day of May, 1995, at about 12:00 o'clock high noon more or less at the house of the accused at x x x and within the jurisdiction of this Honorable Court, the said accused by means of trick was able to convince AAA to enter a room in his house, and while AAA was inside the room alone, and was the only person in the house of the accused and by means of force and intimidation AAA become unconscious did then and there willfully, unlawfully, feloniously did lie and succeed in having carnal knowledge with said AAA without her consent and against her will.

Contrary to law.^[3]

When arraigned, appellant pleaded "not guilty." Trial on the merits thereafter ensued.

The facts as summarized by the Solicitor General are as follows:

At 9:45 A.M. on May 22, 1995, AAA was inside her house at Barangay 6, x x x which she shared with her mother-in-law and a thirteen (13) year old nephew. The private complainant's husband was a seaman working abroad at that time; while her mother-in-law was not at the house and her nephew was tending their sari-sari-store.

Appellant, a brother-in-law of the victim, then entered the house and asked the private complainant's help to treat his (appellant) sick common-law-wife (BBB) at their home at Barangay 10. The private complainant, a pharmacist by training, grabbed a blood pressure monitoring instrument and followed appellant to the latter's home. Upon entering their house, the private complainant inquired where BBB was;

appellant directed her to a room where his common-law-wife was purportedly in bed. As she entered the room, appellant followed her, locked the door behind him and blocked said entrance.

Finding that BBB was not around, the private complainant told appellant to open the door as she was going out; but appellant did not do so. The private complainant became afraid, especially when she saw a bolo hanging at a corner of the room's wall. The victim began feeling chest pains, laid down on the bed on appellant's instruction and then sat down on the floor of her own volition. She then asked for water; but appellant did not give her any. The accused told her something bad would happen to her; that he would kill her. They then discussed appellant's family problems which prompted him to plan and to sexually abuse private complainant. The private complainant then fainted.

When the private complainant regained consciousness, she was lying on the floor, her shorts and panty gone, and appellant, naked from the waist down, on top of her and copulating with her. After he had finished, appellant stood up and put on his brief and shorts. The private complainant likewise stood up, put on her panty and shorts, left the appellant's house and went home.

That same afternoon, the private complainant, accompanied by her sister, went to see [their Barangay Chairman] and reported the incident perpetrated by appellant. Since the private complainant was trembling, could not yet speak well and felt bad, [the Barangay] Chairman CCC scheduled a confrontation between the parties the following day.

During the confrontation, appellant admitted raping the private complainant ("I raped her and that is true; that I raped her") and complied with Chairman CCC's directive to execute a handwritten note to that effect. Appellant also admitted having written another note in the possession of the private complainant, wherein he asked forgiveness for the wrong he had done and requested the private complainant to desist from filing a complaint against him.

After the confrontation, Chairman CCC accompanied the private complainant to DDD Hospital, thence to Giparlos and Quinapondan, in search of a doctor to conduct a medical examination upon her. They were, however, unable to find a doctor who could conduct the physical examination. The private complainant was eventually able to have herself medically examined in EEE City on May 26, 1995. One Dr. FFF noted the physical injuries she had sustained on her person by reason of the rape, while one Dr. GGG examined her genital parts. Both doctors jointly issued a medical certificate dated May 29, 1995 recording their findings.

The private complainant also reported the incident to the police authorities, executing a sworn statement for the purpose. She had also executed a complaint or denuncia dated May 25, 1995, which initiated a preliminary investigation for rape against appellant with the Municipal Circuit Trial Court.

When the information for rape was filed before the Regional Trial Court, appellant was ordered arrested and was placed under detention on January 14, 1996.^[4] (Citations omitted)

The defense presented the appellant as its lone witness. He denied having raped AAA on May 22, 1995. He claimed that he and AAA were lovers since February 1995 and they had been secretly meeting while the latter's husband worked abroad.^[5]

Appellant alleged that AAA was mad at him for trying to end their affair hence she fabricated the charges against him. He testified that in the morning of May 22, 1995, he was alone in the sala of their house lying on the sofa when AAA arrived. Since the door was open, AAA did not knock anymore and went straight inside, sat beside appellant and asked if his wife had already left for Manila. Her arrival did not come as a surprise because she used to come to appellant's house. In the course of their conversation, appellant told her that he wanted to end their illicit relationship out of remorse and shame for his wife, children, and brother. AAA did not agree. She left the house crying but warned him that something bad would happen to him.^[6]

Appellant acknowledged that he signed a document during the confrontation at the barangay hall on May 23, 1995 where he admitted raping AAA but alleged that he did so out of fear for his life. He claimed that during the meeting, three "long-haired" men (allegedly NPA) were present who threatened him with bodily harm should he refuse to sign the document. With regard to the letter he wrote to AAA, he declared that he did not admit therein raping AAA although he asked forgiveness for having ended their relationship.^[7]

On May 26, 1999, the trial court rendered a Decision finding appellant guilty of rape, the decretal portion of which reads:

WHEREFORE, this Court hereby SENTENCES accused Raymundo Dadulla, alias Mundo to suffer the penalty of imprisonment of RECLUSION PERPETUA. He is likewise ordered to pay the complainant, AAA the amount of One Hundred Thousand (P100,000.00) Pesos as moral damages and the amount of Fifty Thousand (P50,000.00) Pesos as exemplary damages. The accused is likewise ordered to pay the costs of the suit.

IT IS SO ORDERED.^[8]

On appeal, the Court of Appeals affirmed the decision of the trial court finding appellant guilty of rape but reduced the amount of moral damages from P100,000.00 to P50,000.00.^[9]

Hence, this appeal where appellant raises the following issues:

I. THE TRIAL COURT GRAVELY ERRED IN CONSIDERING THE TESTIMONY OF THE PRIVATE COMPLAINANT [AAA] MORE CREDIBLE THAN THAT OF THE ACCUSED RAYMUNDO DADULLA.

II. LIKEWISE, THE TRIAL COURT GRAVELY ERRED IN FINDING THE ACCUSED GUILTY BEYOND REASONABLE DOUBT OF THE CRIME

CHARGED DESPITE FAILURE OF THE PROSECUTION TO PROVE HIS GUILT
BEYOND REASONABLE DOUBT.

At the outset, we note that appellant assails the credibility of AAA's testimony; that it is allegedly full of inconsistencies and highly incredible. He cites as example AAA's testimony that she was initially hesitant to go to appellant's house because of his previous criminal record of having killed somebody in Manila and having threatened to kill her husband, but at the same time she testified that upon reaching appellant's house, she went directly inside without knocking. According to appellant, AAA's act of proceeding directly inside the house showed her desire to avoid other people from seeing her entering the house. Moreover, appellant claims that AAA's testimony that she did not persist in pushing appellant away or shout for help out of fear for her life is incredible considering that appellant was not carrying any weapon which could have endangered her life. Appellant further states that he did not employ force or intimidation which cowed AAA into submission. On the contrary, AAA willingly followed his instructions for her to lie on the bed and thereafter they both voluntarily engaged in the sexual act.

We are not persuaded.

The assessment of the credibility of the witness' testimony lies with the trial court, for it is in a better position to properly evaluate testimonial evidence having the full opportunity to directly observe the witness' deportment and manner of testifying. Well settled is the rule that unless the trial court overlooked, misunderstood, or misapplied some facts of substance and value which, if considered, might affect the outcome of the case, its findings carry great weight and will not be disturbed on appeal.^[10]

The trial judge's evaluation of the testimony of a witness is generally accorded not only the highest degree of respect, but also finality, unless some circumstances of weight and substance, which could change the result of the case, have been ignored or misunderstood. As the trial judge had the opportunity to observe the witness on the stand, he/she was in a vantage position to assess the witness' demeanor and determine whether or not he/she was telling the truth.^[11]

In the instant case, we find no reason to disturb the findings of the trial court that:

The issue in this case being only credibility and as the testimony of the offended party is more credible than that of the accused, this Court arrived at a considered opinion that the prosecution indeed successfully proved that the complainant had been sexually attacked by the accused, resulting in the consummation of the sexual act by the accused on the complainant. The guilt of the accused for the commission of Rape as charged in this case had been therefore proved beyond reasonable doubt.

^[12]

Moreover, the findings of the trial court on AAA's credibility was affirmed by the appellate court, to wit:

We are not persuaded by this contention of the accused-appellant. Although private complainant admitted she was hesitant to go to appellant's house due to the latter's criminally violent reputation, this circumstance is still consistent with her act of immediately entering