

THIRD DIVISION

[G.R. NO. 173484, March 20, 2007]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
SIMEON SUYAT Y JOSE, 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 No. 00997, which affirmed the Decision^[2] of the Regional Trial Court (RTC) of Urdaneta City, Branch 46, in Criminal Case No. U-12563 entitled, *"People of the Philippines v. Simeon Suyat y Jose."*

The prosecution charged accused-appellant with the crime of rape in an Information the accusatory portion of which reads:

The undersigned accuses SIMEON J. SUYAT of the crime of RAPE, committed as follows:

That on or about 7:00 o'clock in the evening of May 7, 2003 at Brgy. Baro, Pangasinan and within the jurisdiction of this Honorable Court, the above-named accused, by means of force, violence and intimidation, with the use of a knife, did then and there willfully, unlawfully and feloniously have sexual intercourse with AAA,^[3] against her will and without her consent, to her damage and prejudice.

CONTRARY to Art. 266-A, par. 1, in rel. to Art. 266-B, 1st par., as amended by R.A. 8353.^[4]

Accused-appellant, duly assisted by counsel, pleaded not guilty to the charge.^[5]

The People's version of the incident that precipitated this case is concisely presented by the Office of the Solicitor General in its Brief for the Appellee in this wise:

On May 7, 2003, twenty-eight (28) year old AAA, widow with two children, was alone in her house at Barangay Baro, Asingan, Pangasinan, preparing to go to bed for the night. Her children were with her mother who settled in a house close by. Because AAA's house had no electrical facilities, she made use of a kerosene lamp for illumination. At about 7:00 that evening, while lying on her bamboo bed, appellant, Simeon Suyat, entered the house and turned out the lamp. In an instant, appellant poked a knife on the victim's side, clamped shut her mouth with the palm of his left hand, and then threatened her not to speak.

AAA immediately recognized sixty (60) year old appellant who is her

mother's live-in partner. Withdrawing his hand from her mouth, appellant reached down, raised the victim's skirt, grabbed and pulled her under garment all the way down her legs, then got on top of her. Appellant parted her legs with his own. He loosened his short pants and guided his penis to the victim's organ. AAA felt appellant's penis penetrate her vagina. Appellant made push and pull movements. After a while, the knife eased off from her side.

Finding an opportunity to escape, AAA courageously shoved appellant off on top of her, ran outside, and shouted for help. Her mother, BBB, chanced upon her outside the house and asked what happened. AAA, distressed, told her mother the harrowing incident she experienced at the hands of the appellant. Her mother - anxious of embarrassment - told her to keep the "scandalous" matter a secret between themselves. Committed to obtain justice though, AAA reported the incident to the police authorities the morning after.

SPO4 Fausto Casilang Marza initially attended to the victim who was advised to settle the matter with the *Baranggay*. Not finding the *Baranggay* captain at his house, AAA went back to the police the afternoon of that same day and told the policeman that she decided to file a rape case against the appellant. SPO4 Marzan took her statements under oath. On her way home, she heard appellant screaming "Vulva (sic) of your mother. Where is that AAA. Maybe she reported to the police station again." The victim ran back to the police and requested that they escort her home. SPO2 Rodrigo Estacio, SPO4 Marzan, and a certain SPO3 Ponseca accompanied AAA back to her home. At her house, the policemen arrested the appellant when they saw (him) screaming (*Urayno agipulong ka dita police, saanac nga mabuteng, kayat mo ta ulyenca manen.*)^[6]

On May 9, 2003, the victim went to the Asingan Medicare Community Hospital to have herself examined, but was told that they did not have the necessary equipment to handle her case. Per advise of the physician in charge of the community hospital, the victim went the next day to Region I, Medical Center in Dagupan City, where she was examined by Dr. May Gwendolyn Luna. Dr. Luna noted some reddish discoloration at the "posterolateral area of the labia minora which is secondary to scratch or friction(;) xxx healed and old superficial lacerations at 4:00 and 9:00 o'clock at the vaginal canal and healed deep lacerations at 5:00 o'clock and 7:00 o'clock also at the vaginal canal (;) xxx (and that the same) admitted 2 fingers with ease which is but natural as AAA had already given birth."^[7]

On the other hand, accused-appellant's defense depended on the following testimonies:

Accused-appellant claimed that at around 7:00 o'clock in the evening of 7 May 2003, he was watching television in the house of BBB. He was there together with BBB and AAA's children.^[8] Suddenly, AAA went inside BBB's house and said, "I want to have sex tonight."^[9] Thinking that the remark was directed at him, he replied, "

(y)ou go because that is what you are doing."^[10] AAA allegedly retorted, "*maniakis ka nga lakay*."^[11] Not wanting to let AAA have the last word in their exchange, he told AAA, "(y)ou are a sex maniac because you are not contented (sic) with only one penis."^[12] After this, BBB held him and led him out to the gate and he went to his own house located about 100 meters away. He returned later in the evening and slept beside BBB.^[13]

When asked what made him think that AAA's incendiary statement was directed at him, accused-appellant surmised that AAA must have heard him relay to a certain Mr. Gascon, who was having a drinking spree with other men inside BBB's compound, the alleged amorous relationship AAA had with his younger brother Felipe Suyat.^[14]

To bolster accused-appellant's version of the story, the defense presented the testimonies of BBB and of Genaro Pascual (Pascual), a *barangay kagawad*, of Barangay Baro, Asingan, Pangasinan.

BBB is AAA's mother and accused-appellant's live-in partner. When she initially took the witness stand on 16 September 2003, she claimed that on the night of the alleged rape, accused-appellant left her house at around 7:10 o'clock in the evening and she even accompanied him to the gate of her house. When asked of the whereabouts of AAA at that time, BBB stated that AAA was in her house and that she just heard the latter call for her minor children later in the evening.^[15] At this juncture, the defense counsel moved for a continuance of the hearing as BBB was supposedly not feeling well.^[16]

When BBB's testimony was resumed on 23 September 2003, she belied AAA's claim that she was raped by accused-appellant and that she shouted for help after she managed to free herself from accused-appellant's clutches. BBB also maintained that when she accompanied accused-appellant outside, AAA told him that she would engage in sex that night. Accused-appellant allegedly told AAA to go ahead with her plan as she was used to engaging in sexual activities anyway.^[17] After this brief exchange of words which was witnessed by BBB's other daughter CCC, accused-appellant went home. Afterwards, accused-appellant went to the nipa hut where the two of them used to sleep and they stayed together until the following morning.^[18]

Pascual declared on the witness stand that on 8 May 2003, he and *Barangay Captain* Antonio Gaspar were in front of a store owned by a certain Lorenzo Laurencio. While at that place, AAA allegedly walked up to them and told them that she wanted to file a complaint against accused-appellant for shouting at her the previous night.^[19] They then instructed AAA to go back to her house and they would meet her there later to discuss the matter. When they reached AAA's house, however, she no longer wanted to talk to them.^[20]

In its Decision dated 17 November 2004, the trial court declared accused-appellant guilty as charged, thus:

WHEREFORE, finding the accused, SIMEON SUYAT, GUILTY beyond reasonable doubt of the crime of RAPE, he is hereby sentence to suffer the penalty of RECLUSION PERPETUA, and to pay the victim, AAA,

P50,000.00 as civil indemnity and P50,000.00 as moral damages, and to pay the costs.^[21]

Accused-appellant seasonably filed a Notice of Appeal.^[22]

On 24 May 2006, the Court of Appeals promulgated the present assailed decision affirming *in toto* the ruling of the trial court. The dispositive portion of the appellate court's decision states:

WHEREFORE, in consideration of the foregoing disquisitions, the instant appeal is perforce **dismissed**. Accordingly, the assailed decision dated 17 November 2004 is hereby **affirmed in toto**.^[23]

On 6 June 2006, accused-appellant filed a Notice of Appeal before the Court of Appeals.^[24] In our Resolution of 6 September 2006, we required the parties to submit their respective supplemental briefs, if they so desire.^[25] Both the Office of the Solicitor General and the Public Attorney's Office manifested that they were no longer filing their respective supplemental briefs.^[26]

Accused-appellant makes the following lone assignment of error:

THE TRIAL COURT GRAVELY ERRED IN FINDING THE ACCUSED-APPELLANT GUILTY BEYOND REASONABLE DOUBT OF RAPE.^[27]

In resolving rape cases, we are guided by the following principles: (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) 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.^[28]

Accused-appellant argues that the testimony of AAA as to how she was raped was replete with incredible allegations which are "contrary to human nature and which raised doubts on the truthfulness of her account as to what really happened on that fateful day." Particularly, accused-appellant harps on the physical impossibility of accused-appellant being able to do three things simultaneously - poke a knife on AAA's side, cover her mouth with his other hand, and lower her panty.^[29] Accused-appellant goes on to argue that while it is well-recognized that conclusions and findings of facts of the trial court are binding on this court, still, the rule accepts of an exception, which is, when the trial court ignored and overlooked facts and circumstance that could alter the result.^[30]

Also, accused-appellant faults the trial court and the Court of Appeals in not considering Pascual's testimony that AAA did not mention anything about her being raped by accused-appellant on 7 May 2003; instead, AAA merely complained about being yelled at by accused-appellant.^[31]

Finally, accused-appellant argues that the findings of the medico-legal officer failed to corroborate AAA's claim that she was indeed raped a few days before she was subjected to physical examination.^[32]

Accused-appellant's contentions fail to persuade.

It is doctrinally settled that findings of the trial court as regards the credibility of witnesses will not be disturbed on appeal the rationale being that the trial court enjoys the singular privilege of observing firsthand the demeanor of the witnesses as they are subjected to intense examinations by lawyers and even the court. Thus, unless it is shown that the trial court overlooked, misunderstood, or misapplied some facts or circumstances, weight and substance which could have affected the outcome of the case, we are bound to affirm their findings.^[33]

In rape cases specifically, the credibility of the complainant is of paramount importance as oftentimes her testimony, when it satisfies the test of credibility, may be the sole basis for an accused's conviction.^[34] In *People v. Tismo*,^[35] we reiterated the rule that -

x x x the culpability of the offender almost invariably hinges on the story of the complainant. In the light of the presumption of innocence that the accused enjoys, the complainant's testimony must perforce be carefully scrutinized and examined to satisfy the judicial conscience that the accused did in fact commit the crime. Her testimony should not be received with precipitate credulity, especially when the conviction depends at any vital point upon her uncorroborated testimony, it should not be accepted unless her sincerity and candor are free from suspicion. Such testimony must be impeccable and ring true throughout, or credible and positive. Clearly, therefore, as in other criminal cases, the evidence for the prosecution in rape cases must stand or fall on its own merits; it cannot be allowed to draw strength from the weakness of the evidence for the defense.^[36]

We have scrutinized the records of this case and found nothing that could convince us to overturn accused-appellant's conviction. On the contrary, we agree in the trial court's observation that AAA's retelling of her harrowing experience in the hands of accused-appellant was "positive, straightforward, spontaneous, and unadorned"^[37] thus:

ATTY. IGNACIO: DIRECT EXAMINATION:

Q. Madam witness, do you know Simeon Suyat?

WITNESS:

A. Yes sir.

Q. Why do you know him?

A. Because he is the live-in partner of my mother, sir.

Q. What is the name of your mother?

A. BBB sir.