

## THIRD DIVISION

[ G.R. NO. 171314, March 06, 2007 ]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.  
PATERNO OLIQUINO, ACCUSED-APPELLANT.**

**CHICO-NAZARIO, J.:**

For Review is the Decision<sup>[1]</sup> rendered by the Court of Appeals promulgated on 21 March 2005 in CA-G.R. CR No. 00540 entitled, "*People of the Philippines v. Paterno Oliquino*," affirming, with modification, the Decision<sup>[2]</sup> dated 3 December 1999 of the Regional Trial Court of Legazpi City, Branch 3, in Criminal Case No. 7192, finding appellant guilty of the crime of rape and imposing upon him the penalty of *reclusion perpetua*.

By virtue of the complaint of AAA,<sup>[3]</sup> an Information dated 10 July 1996<sup>[4]</sup> was filed against appellant. Subsequently, the provincial prosecutor approved the filing of an Amended Information stating the commission of the crime of rape defined and penalized under Article 335 of the Revised Penal Code, as amended by Republic Act No. 7659,<sup>[5]</sup> as follows:

That on September 30, 1995 at around 7:00 o'clock in the morning, more or less, at Barangay Quinuartilan, Municipality of Camalig, Province of Albay, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with lewd design and threatening the victim with a fan knife (*balisong*), by means of force, threat and intimidation, did then and there willfully, unlawfully, and feloniously have carnal knowledge with AAA, against her will and consent, which act impregnated her, to her damage and prejudice.<sup>[6]</sup>

Upon arraignment, appellant, duly assisted by counsel, entered a plea of not guilty.<sup>[7]</sup>

The evidence for the prosecution established the following antecedents:

In the morning of 30 September 1995, AAA was in her grandparents' house with only her invalid uncle as companion. Her grandmother, BBB, left earlier that day for Daraga, Albay, while her grandfather was in Libod, Camalig, of the same province.<sup>[8]</sup> Her two minor cousins who were staying with them went out of the house to catch spiders.<sup>[9]</sup> While she was busy preparing breakfast, appellant, who is a stepbrother of her grandmother, arrived. He held both her hands and pushed her to the floor. When she was already lying on the floor, appellant straddled her stomach and started removing her shorts and then her panty.<sup>[10]</sup> Appellant then stood up and removed his pants and his briefs. At that point, she attempted to move but was prevented from doing so by appellant who was then holding a small knife.<sup>[11]</sup> Appellant then inserted his penis into her vagina for which she felt pain.<sup>[12]</sup> She

wanted to shout but appellant warned her not to or else he would kill her. After appellant had satisfied his lust, he immediately left but not without threatening her with harm in case she would call attention to what happened.<sup>[13]</sup>

AAA did not tell anyone about what occurred during that morning. Her grandmother, however, noticed that AAA's stomach was getting bigger and asked the latter if she was pregnant. AAA ignored said inquiry. Finally, on 14 May 1996, when she was already on the eighth month of pregnancy, AAA admitted to her grandmother that she was indeed heavy with child and pointed to appellant as the one who impregnated her.<sup>[14]</sup> Upon learning of what happened, BBB confronted appellant about what happened to AAA. Thereafter, AAA and BBB went to the police station to report the incident. That same day, AAA underwent a physical examination by Dr. Tirso de los Reyes, the Municipal Health Officer of Camalig, Albay, who issued a medical certificate, the material portion of which states:

TO WHOM IT MAY CONCERN:

This is to certify that Mr./Ms. AAA, a 16 (year) old, female, single, 2<sup>nd</sup> yr. H.S. and presently residing at Kuinantilan (sic), Camalig, Albay.

Had been (examined, treated) and was found to be pregnant for 8 months. Last Menstrual Period: Sept. 12, 1995.

Physical Exam: Abdomen: Globularly enlarged AOG.<sup>[15]</sup>

On 20 June 1996, AAA gave birth to a baby girl.<sup>[16]</sup>

Appellant admitted that he is the father of the child born to AAA.<sup>[17]</sup> He, however, denied having raped AAA for according to him, the two of them had a sexual relationship which commenced in June 1995 when AAA borrowed P50.00 from him in order to pay her tuition fee.<sup>[18]</sup> He claimed that at one time, BBB sent AAA to fetch him at 3:00 o'clock in the morning so that he could help in making copra.<sup>[19]</sup> He recalled that AAA was then riding a *carabao* and on their way back to BBB's house, they stopped by a grassy area and made love.<sup>[20]</sup>

Another instance, appellant revealed, when they had sexual intercourse was when he was again summoned by BBB. According to appellant, he and AAA went fishing at a nearby river and on that occasion, he "used to touch the vagina of (AAA)."<sup>[21]</sup> Then, there was the instance when BBB sent AAA to his house but before they made their way back to where BBB lived, he and AAA first engaged in sexual intercourse.<sup>[22]</sup> As far as appellant could recall, the two of them had more than fifty sexual encounters.<sup>[23]</sup>

He also surmised that BBB was aware of his relationship with AAA for the former even told him to buy a pig for AAA to raise.<sup>[24]</sup> He also maintained that he could not have raped AAA at her grandparents' kitchen as the place was filthy because her invalid uncle defecated there.<sup>[25]</sup>

Appellant likewise stated in his testimony that he came to know that AAA was

pregnant in April 1996 when he returned from Manila.<sup>[26]</sup> When BBB discovered the condition of AAA, the former allegedly confronted him and insisted that they should settle the matter in the municipal building but he refused; instead, he requested his sister to talk to BBB.<sup>[27]</sup>

To support the theory that appellant and AAA were lovers, the defense presented Otilo Gomez, Buenaventura Arogar, and Haydee Ortile.

Gomez stated in the witness stand that appellant was staying in his property located in Manawan, Camalig, Albay; that he treated AAA as his granddaughter even though they were already distant relatives; that there were occasions when he saw AAA, a high school student, go to appellant's house; that at times, he even witnessed appellant carry AAA on his back to help her cross the river; that he actually saw the appellant and AAA in a compromising situation at appellant's house when he once took a peek inside after hearing an "unusual" sound emanating from therein.<sup>[28]</sup>

Arogar testified that he used to always see appellant and AAA together; that there were even two instances when he witnessed appellant and AAA riding the same carabao with the latter in front and appellant at the back holding onto AAA's waist; that appellant quickly removed his hands from AAA's waist as soon as he saw that he (Arogar) was looking at them.<sup>[29]</sup>

Arogar proceeded to claim that appellant entrusted to him the amount of two thousand pesos. However, after appellant returned from Manila, he, together with BBB, went to see Arogar in order to get back half of the amount to be used to buy a pig in preparation for AAA's pregnancy.<sup>[30]</sup>

Ortile, who is a half-sister of appellant, testified that on 14 May 1996, BBB went to her house and immediately upon seeing appellant, BBB confronted him about AAA's pregnancy. Appellant allegedly assured BBB that he was willing to marry AAA and to defray the costs of the baby's delivery.<sup>[31]</sup>

On rebuttal, both AAA and BBB categorically denied the allegations of appellant and his witnesses.<sup>[32]</sup>

In its decision of 3 December 1999, the trial court adjudged appellant guilty of the crime of rape, thus:

WHEREFORE, based on the foregoing considerations, this Court (finds) the accused PATERNO P. OLIQUINO GUILTY beyond reasonable doubt of the crime of RAPE and sentences him to a penalty of Reclusion Perpetua and to indemnify the victim AAA the amount of P50,000.00 as moral damages.

Considering that accused Paterno Oliquino admits that he is the father of CCC<sup>[33]</sup> which is the product of the rape committed by him upon private complainant AAA(,) he is ordered to acknowledge the child CCC as his daughter and to give her the necessary support.<sup>[34]</sup>

Appellant seasonably appealed his case before this Court. In our Resolution dated 29 September 2004, we transferred the case to the Court of Appeals pursuant to

our holding in the case of *People v. Mateo*.<sup>[35]</sup>

The Court of Appeals affirmed, with modification, the findings of the trial court. The dispositive portion of the appellate court's Decision states:

WHEREFORE, the foregoing premises considered, the decision subject of the appeal is hereby AFFIRMED save for a slight modification in that the accused-appellant is ordered to pay the victim an additional amount of the P50,000 as civil indemnity.<sup>[36]</sup>

Once again, appellant is pleading his case before us arguing that the prosecution was unable to prove his guilt beyond reasonable doubt.<sup>[37]</sup>

Appellant maintains that AAA's account of what transpired during that fateful day "is not in accord with human experience and does not carry with it the essence of truth"<sup>[38]</sup> and should not have been given full evidentiary weight and credence.

He also argues that his testimony as well as those of his witnesses were consistent and reliable as compared to the version presented by the prosecution.<sup>[39]</sup> Thus, while alibi is an inherently weak defense, the same gains significance and strength when it is corroborated by a credible witness. In this case, he insists that the prosecution was not able to discredit the witnesses he presented before the trial court.

Lastly, appellant points to the period of time that had lapsed before AAA instituted the criminal case against him. This fact, he argues, gives rise to the assumption that the filing of the rape charge was a mere afterthought so that AAA and BBB could extract some money from him.<sup>[40]</sup>

Appellant's arguments fail to convince.

As with other rape cases, the outcome of the present action boils down to the issue of credibility of witnesses. In this regard, it has been this Court's consistent stance that the trial court's evaluation of the testimonies of witnesses are accorded highest respect as it had the singular opportunity to observe the witnesses and to gauge their truthfulness. Appellate courts do not have the same privilege for, in deciding cases, they are confronted with mere cold transcripts of the testimonies given before the trial court. Thus, it is settled that-

The question of whether or not the sexual intercourse in question is free and voluntary, hinges, on the credibility of witnesses, the determination of which is largely addressed to the sound discretion of the trial court. Appellate courts will generally not disturb the findings of the trial court, considering that it has unequalled competence to consider and determine the credibility of witnesses, in view of its unique opportunity to observe the demeanor of witnesses on the stand, an opportunity not afforded the appellate court, unless it has plainly overlooked certain facts of substance and value that, if considered, might affect the result of the case.<sup>[41]</sup>

We have carefully reviewed the records of this case and found no reason to disturb the findings of both the trial court and the Court of Appeals. We particularly subjected the testimony of AAA to careful scrutiny as we are fully aware that

oftentimes, rape cases are decided based on the testimony of the aggrieved party. In the end, we find that the conclusion reached by the trial court is proper. AAA's narration of appellant's attack upon her maidenhood was candid and straightforward

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WITNESS:

A. I was preparing food for breakfast.

Q. Now, while you were preparing food for breakfast, what happened?

A. That morning, Paterno Oliquino arrived.

Q. When you say Paterno, is he the same Paterno Oliquino who is the accused in this case?

A. Yes, sir.

Q. What happened after Paterno arrived?

A. When Paterno arrived, he held my both hands.

Q. What happened next after he held your two hands?

A. He pushed me.

Q. And what happened to you after he pushed you?

A. After pushing me, he immediately sat on my stomach. (Witness points to her stomach).

Q. What was your position when the accused sat on your stomach?

A. I was already lying because of the push that he made.

Q. Was your face facing upward or facing towards the ground?

A. My face was facing up.

Q. Now, what else happened after he sat on your stomach while you were lying on the ground?

A. He undressed me.

Q. How did he undress you?

A. He removed my shorts (sic).

Q. After he removed your shorts, what else did he do?

A. He also removed my panty.