

SECOND DIVISION

[G.R. No. 176528, September 27, 2007]

PEOPLE OF THE PHILIPPINES, APPELLEE, VS. MORIEL SANCHO Y DE PEDRO, APPELLANT.

R E S O L U T I O N

CARPIO, J.:

This is an appeal from the 5 July 2006 Decision^[1] of the Court of Appeals in CA-G.R. CR-HC No. 00111. The Court of Appeals affirmed the decision of the Regional Trial Court, Branch 3, Kalibo, Aklan finding appellant Moriel Sancho y de Pedro guilty beyond reasonable doubt of rape.

On 2 April 2003, appellant was charged with raping AAA, who was then alleged to be seven years old.

Appellant pleaded not guilty upon arraignment.

During the trial, it was proved that AAA was 8 years and 1 month old at the time of the incident. The trial court observed that AAA looked small and frail for her age. AAA testified that in the evening of 31 March 2003, while she and appellant, who is her grandmother's brother, were sleeping in the sala of her aunt Anilyn's house, appellant told her to hold his penis. When AAA refused, appellant pulled down her shorts and panty. AAA cried and tried to resist but appellant held her arms, then spread her legs. Appellant then inserted his penis in AAA's vagina and AAA felt pain. AAA could not cry out for help because appellant threatened to kill her if she made any noise.

AAA's aunt Anilyn witnessed the incident. Anilyn testified that at around 11:00 p.m. of 31 March 2003, while she was inside her room, she felt the house slightly swaying. Anilyn went to the door and peeped through the sala. She saw appellant, who is her uncle, lying on top of AAA between her legs. She wanted to berate appellant but she was afraid that appellant, who is a big man, might hurt her and her children. The following morning, appellant threatened her not to tell anyone about the incident. When AAA woke up, Anilyn asked her what happened and AAA told her that she was raped.

On the other hand, appellant alleged that on 31 March 2003, he slept at his brother Samuel's house to watch over Samuel's children because Samuel was out fishing. Appellant testified that he left Samuel's house the following morning when Samuel arrived.

Defense witness Samuel testified that on 31 March 2003, he asked appellant to sleep at his house because he and his wife would be out all night fishing. When he arrived home at around 7:00 a.m. the following day, Samuel saw appellant with his

children.

The trial court found credible AAA's testimony which was corroborated by Anilyn. AAA never wavered even under cross-examination in her narration of what happened on the night of 31 March 2003. The trial court held that appellant's defense of alibi cannot prevail over the positive and categorical testimonies of AAA and Anilyn. The trial court ruled that it was not impossible for appellant to go to Anilyn's house, which is about 200-300 meters away from Samuel's house. The trial court held that denials and alibis cannot prevail over testimonies of credible witnesses who had positively identified the accused as the culprit.

On 26 May 2003, the trial court rendered its decision, finding appellant guilty of rape under Article 335 of the Revised Penal Code, as amended by Republic Act No. 8353. The trial court sentenced appellant to suffer the penalty of reclusion perpetua, to pay AAA the amount of P75,000 as civil indemnity, P50,000 as moral damages, and to pay the costs.

On appeal, appellant contended that the trial court erred in giving weight and credence to the incredible testimonies of AAA and Anilyn. Appellant alleged that the prosecution failed to prove his guilt beyond reasonable doubt.

In its 5 July 2006 Decision, the Court of Appeals affirmed the trial court's decision with modifications, reducing the award for civil indemnity to P50,000 and increasing the award for moral damages to P75,000. The Court of Appeals ruled that the inconsistencies in the prosecution's witnesses are minor and immaterial and do not affect the credibility of the witnesses, especially the victim AAA. The Court of Appeals held that rape was clearly established by the witnesses and the evidence of the prosecution. The testimony of the victim AAA was corroborated by Anilyn who was an eyewitness. The result of the medical examination of AAA on 1 April 2003, the day after the incident, also corroborated the testimonies of the prosecution's witnesses. According to the doctor who examined AAA, the injuries to the internal genitalia and hymen of AAA occurred approximately on the night of 31 March 2003.

Hence, this appeal.

We find the appeal without merit. The Court of Appeals was correct in affirming the ruling of the trial court that rape was clearly established by the witnesses and the evidence of the prosecution. The trial court, having the opportunity to observe the witnesses and their demeanor during trial, can best assess the credibility of the witnesses and their testimonies.^[2] Thus, the trial court's findings are generally binding and conclusive, absent any arbitrariness or oversight of some fact or circumstance of weight and influence.^[3]

In this case, not only was the testimony of AAA corroborated by an eyewitness, it was also consistent with the medical findings of the doctor who examined AAA the day after the rape incident. When the testimony of the rape victim is consistent with the medical findings, there is sufficient basis to establish carnal knowledge.^[4] Furthermore, the testimony of AAA on the approximate time when she was raped coincided with the doctor's findings that AAA's injuries in her internal genitalia and hymen occurred approximately on the night of 31 March 2003.