

## FIRST DIVISION

[ G.R. No. 138924, August 05, 2003 ]

**PEOPLE OF THE PHILIPPINES, APPELLEE, VS. CRISANTO  
MANAHAN Y DOE, APPELLANT.**

### D E C I S I O N

**DAVIDE JR., C.J.:**

Before us in this case is an ordinary appeal from a judgment<sup>[1]</sup> dated 16 January 1999 by the Regional Trial Court of Naga City, Branch 28, in Criminal Case No. RTC 98-7047 convicting accused appellant, Crisanto Manahan, of the crime of rape. The dispositive portion of the judgment reads:

WHEREFORE, in view of all the foregoing findings that the prosecution was able to prove beyond reasonable doubt the guilt of accused Crisanto Manahan of the crime of rape of which he is presently charged, judgment is hereby rendered whereby said accused is sentenced to suffer the penalty of *reclusion perpetua* and for him to pay the complainant AAA the amount of FIFTY THOUSAND (P50,000.00) PESOS for moral damages. With costs *de officio*.

The victim is AAA (AAA), who was only twelve years old at the time of the rape. On 24 February 1998, AAA reported to her teacher at the Concepcion Grande Elementary School in Naga City that she had been raped by her step-grandfather, Crisanto Manahan (Crisanto). With the assistance of the teacher, her complaint was brought to the attention of Nancy Vargas, a personnel of the Department of Social Welfare and Development. She advised AAA to have a medical examination should she wish to file a case against Crisanto. When AAA agreed, Nancy Vargas accompanied her to the Naga City Hospital where Dr. Joel Jurado, City Health Officer of Naga City, examined her and found healed hymenal lacerations at the nine and three o'clock positions, her vagina admitting one finger with difficulty.<sup>[2]</sup> The conclusion of Dr. Jurado, expressed during his testimony,<sup>[3]</sup> was that the healed lacerations could have been caused by any hard object, like an erect penis or a finger inserted into the private part of a woman, or by jumping or riding a bicycle.

With Dr. Jurado's medical certificate accompanying AAA's complaint-affidavit,<sup>[4]</sup> the Assistant Prosecutor of Naga City filed an information accusing Crisanto as follows:

That undersigned Assistant Prosecutor of Naga City upon complaint of AAA, under oath, accuses CRISANTO MANAHAN Y DOE, her paternal stepgrandfather of the crime of RAPE, under Article 335 of the Revised Penal Code, committed as follows:

That on or about the morning of Saturday, September 1997, in the City of Naga, Philippines, and within the jurisdiction of this Honorable Court,

the above-named accused with lewd design and with the use of a deadly weapon, namely, a small knife, did then and there wil[l]fully, unlawfully and feloniously have carnal knowledge of AAA, a minor under 12 years of age, against her will and without her consent, to her damage and prejudice. This is the first of two (2) acts of rape committed by accused against herein private complainant.<sup>[5]</sup>

Several warrants for the arrest of Crisanto were issued on 14 May 1998.<sup>[6]</sup> He was finally arrested in Pasay City on 05 November 1998.<sup>[7]</sup>

Crisanto pleaded not guilty upon arraignment on 25 November 1998.<sup>[8]</sup> During the pre-trial that shortly followed, the parties agreed, by way of a stipulation of facts, on the following: (1) the identity of the parties; (2) the existence of the medical certificate issued by Dr. Joel Jurado on 24 February 1998; and (3) the existence of the marriage between Crisanto and [REDACTED], AAA's paternal grandmother.<sup>[9]</sup>

At the trial on the merits, the prosecution presented the following factual antecedents:

AAA was born on 22 December 1984.<sup>[10]</sup> Her grandmother, [REDACTED] was a widow with nine children before she married Crisanto on 15 October 1986. Since her parents were separated and her father was living abroad, AAA lived with her grandmother and step-grandfather in Villa Grande Homes Subdivision in Naga City.<sup>[11]</sup>

One Saturday morning in September of 1997, when AAA was in the fifth grade,<sup>[12]</sup> Crisanto asked her to watch pornography (an English bold film)<sup>[13]</sup> with him on video. She refused and proceeded to play outside with the other children on the street. After watching the film, Crisanto called her into the house. AAA obeyed. Inside, he pulled out a small knife and, pointing it at her, made her walk into the master's bedroom with him, pushed her beside the bed, lifted her onto it, and then, still holding the knife, proceeded to undress her and himself.<sup>[14]</sup> The following is AAA's narration of the rape and what transpired after:

ATTY. SARCILLA:

What did you see from him when he undressed his brief?

AAA:

His penis was erect.

Q After Crisanto Manahan undressed his brief and his penis was erect, what else did he do?

A He lie [*sic*] on top of me, sir.

Q Where was the knife while Crisanto Manahan lie on top of you?

A It was on his side, sir.

Q What else did Crisanto Manahan [*sic*] when he was already on top of you?

A He raped me already, sir.

Q How did he rape you?

A He placed his penis into my vagina.

Q How did he place his penis into your vagina?

A He made an up and down movement.

Q Was he able to enter your vagina?

A Yes, sir.

Q How were you able to say that it was able to penetrate your vagina?

A Because it was painful.

PROS. SARCILLA:

At this juncture Your Honor the complainant is crying.

ATTY. TEOXON:

Shedding tears only, Your Honor.

xxx

PROS. SARCILLA:

Q What was the position of your legs?

A He spread it, sir.

Q And how did Crisanto Manahan do in spreading [*sic*] your legs?

A He used his left hand sir in spreading [*sic*] my legs.

Q You said that when the penis of Crisanto Manahan was already inside your vagina he made a push and pull movement, for how long was he that on push and pull movement on top of you?

A I do not know, sir.

Q What happened after that?

A He left me already, sir.

Q And what did you observe from Crisanto Manahan when he left the bed?

A There was blood, sir.

Q Blood where?

A In [*sic*] his penis, sir.

Q And what did he do with the blood in [*sic*] his penis?

A He wiped it, sir.

Q What did he use in wiping the blood in his penis?

A His brief, sir.

Q How about you what did you observe when Crisanto Manahan left?

A There was blood also, sir.

Q What did he do with the blood in your vagina?

A He wiped it, sir.

Q What did he use in wiping your vagina?

A The sando.

Q Do you know whose sando was that?

A The sando of my cousin.

Q After Crisanto Manahan wiped the blood on your vagina with the sando, what did he do?

A He told me not to report the incident, sir.

Q Not to report to whom?

A To my father and to my grandfather [*sic*].

Q What else did Crisanto Manahan tell you aside from telling you not to report that incident to your father and to your grandmother?

A He said if I report he would kill them.

Q Where was the knife at the time Crisanto Manahan threatened you not to report the incident to your father and to your grandmother or else he will kill them?

A The knife was on [*sic*] his right hand.

Q After threatening you, what else did Crisanto Manahan do?

A No more, sir.

Q How about you, what did you do?

A I dressed up and went inside the comfort room.

Q Why did you went [*sic*] inside the comfort room?

A I took a bath, sir.

Q Why did you take a bath?

A Because I feel I was dirty, sir.

Q Dirty of what?

A Dirty of what he did to me, sir.

Q And what else did happen after that?

A No more, sir.

xxx

Q What did you feel when you said you were raped by accused Crisanto Manahan?

A I felt pain.

Q Aside from pain what else did you feel?

A I want to make a revenge, sir.

Q What kind of revenge?

A He should die also, sir.

Q Why do you have that thinking?

A Because he destroyed my life, sir.

In general, Crisanto's defense was one of denial, emphasizing his incapacity to commit the rape due to his impotency. He also explained that the accusations against him was motivated by revenge on the part of his wife and stepson. He then sought to impeach the credibility of AAA by pointing out inconsistencies between her testimony and the complaint-affidavit.

The trial court gave full credence to the testimony of AAA and, as stated earlier, it found Crisanto guilty of rape and sentenced him to suffer the penalty of *reclusion perpetua* and to pay AAA P50,000 as moral damages.

Aggrieved by the decision, Crisanto filed a notice of appeal with the trial court.<sup>[15]</sup> Although erroneously addressed and transmitted to the Court of Appeals,<sup>[16]</sup> we accepted the appeal by a resolution dated 15 December 1999, and ordered the parties to file their briefs.<sup>[17]</sup>

In his Appellant's Brief<sup>[18]</sup> Crisanto submits that the trial court erred:

#### I

... IN CONVICTING THE ACCUSED-APPELLANT BASED ON THE INCONSISTENT AND HIGHLY INCREDIBLE STORIES OF THE PRIVATE COMPLAINANT.

#### II

... IN NOT GIVING WEIGHT TO THE TESTIMONY OF THE ACCUSED AND THE DOCTOR WITNESS FOR THE ACCUSED.

#### III

... IN SENTENCING THE ACCUSED-APPELLANT TO PAY MORAL DAMAGES OF P50,000.00.

After reviewing the records of the case and evaluating the evidence adduced by the parties, we find and do hold that this appeal is unmeritorious.

In the first and second assigned errors, Crisanto faults the lower court for failing to consider the inconsistencies in the prosecution's evidence which the defense raised during trial. We find the contrary to be true. Aside from thoroughly discussing the evidence of both sides, the trial court's ruling gave explicit reasons for giving weight to the evidence of the prosecution, thus:

The accused cited some inconsistencies between what the complainant stated in her affidavit and what she testified. In her affidavit the complainant stated that the accused was armed with a small knife while in her testimony she declared that the accused was armed with a