

FIRST DIVISION

[G.R. No. 153219, December 01, 2003]

PEOPLE OF THE PHILIPPINES, APPELLEE, VS. EDGAR MOLLEDA Y PONTANES @ MEDY, APPELLANT.

DECISION

YNARES-SANTIAGO, J.:

This is an appeal from the decision^[1] of the Regional Trial Court of Sta. Cruz, Laguna, Branch 28, in Criminal Case No. SC-7259, finding appellant Edgar Molleda y Pontanes guilty beyond reasonable doubt of the crime of Rape, and sentenced him to suffer the penalty of *reclusion perpetua*, and ordered him to pay the offended party the amounts of P50,000.00 as civil indemnity and P50,000.00 as moral damages.

On May 2, 1999, appellant Edgar Molleda y Pontanes was charged with rape in an Information which reads:

That on or about January 25, 1999, in the municipality of ██████████, Province of ██████████ and within the jurisdiction of this Honorable Court, the above named accused, with lewd design and by means of force and intimidation, did then and there willfully, unlawfully and feloniously have carnal knowledge of AAA against her will and consent and to her damage and prejudice.

CONTRARY TO LAW.^[2]

The victim, AAA, has ten children by her deceased husband, ██████████. At the time of the incident, she was living with her common-law husband, ██████████.

On January 25, 1999, at around 7:30 p.m., appellant Edgar "Medy" Molleda arrived at their house in the mountainous area of ██████████. He told ██████████ that a member of the New People's Army (NPA) wanted to talk to him by the creek some 1,000 meters away from the house. ██████████ noticed a bulge in appellant's waist. After ██████████ left the house, appellant told AAA that he wanted to talk to her at the *camote* plantation 12 meters away from their house, but she insisted that they talk inside their house. However, appellant dragged her to the *camote* plantation. When they got there, appellant pointed a gun at AAA and ordered her to undress. She removed her shorts and panties and sat on the ground. Appellant then took off his clothes, lay on top of her and inserted his penis into her vagina. He made thrusting motions that lasted for two minutes. When he was done, appellant warned AAA not to reveal the incident to anybody, otherwise he would kill her. He got up, put on his short pants and briefs, and left.

Meanwhile, ██████████ found nobody by the creek and returned to the house. Moments

later, AAA arrived and told him that appellant had raped her. ██████ got angry and looked for appellant outside, but did not find him. AAA went to the house of Marites Oco, ██████'s daughter by a previous relationship. She cried as she recounted her ordeal. She told Marites that she felt so ashamed of herself.

The next morning, ██████ accompanied AAA to the police station to report the incident. She executed a written statement wherein she positively identified appellant as her rapist.

Dr. Olivia Jo Ann C. Tobias, Medical Officer III of the Provincial Health Office of Sta. Cruz, Laguna, conducted the examination on the victim and found the following:

Vaginal exam: labia majora gaping

Vagina admits two fingers with ease

Hymen-old healed laceration at 3 o'clock, 6 o'clock, 10o'clock and 12 o'clock position

Internal exam: cervix closed, firm, non tender

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Specimen taken for sperm analysis- result-Negative^[3]

Appellant was arrested on January 29, 1999 and formally charged in court.

In his defense, appellant denied the accusation. He claimed that at 6:00 p.m. of January 25, 1999, he was in the house of his best friend's son, Norman Delos Reyes, at Barangay ████████████████████. Norman's father had asked appellant to watch over his children since he had to leave for Bicol that afternoon. Appellant stayed in Norman's house the whole night until 8:00 the following morning.

On August 24, 2001, the trial court rendered judgment, the decretal portion of which reads:

WHEREFORE, IN THE LIGHT OF ALL THE FOREGOING CONSIDERATIONS, the Court finds the accused Edgar Molleda y Pontanes guilty beyond reasonable doubt as principal of the offense of rape under Art. 335 of the Revised Penal Code and as charged in the information and hereby sentences him to suffer the penalty of *RECLUSION PERPETUA* and to pay the offended party AAA the sum of P50,000.00 as civil indemnity and P50,000.00 as moral damages.

SO ORDERED.^[4]

Hence, this appeal based on the following assignment of errors:

I

THE COURT A QUO GRAVELY ERRED IN GIVING CREDENCE TO THE INCREDIBLE TESTIMONY OF THE PRIVATE COMPLAINANT.

II

THE COURT A QUO GRAVELY ERRED IN FINDING THE ACCUSED-APPELLANT GUILTY BEYOND REASONABLE DOUBT OF THE CRIME CHARGED. ^[5]