

## THIRD DIVISION

[ G.R. Nos. 146357 & 148170, August 29, 2002 ]

**PEOPLE OF THE PHILIPPINES, APPELLEE, VS. MATIAS  
LAGRAMADA, APPELLANT.**

### D E C I S I O N

#### **PANGANIBAN, J.:**

If the inculpatory facts and circumstances are capable of two or more reasonable explanations, one of which is consistent with the innocence of the accused and the other with his guilt, then the evidence does not pass the test of moral certainty and will not suffice to support a conviction.

#### The Case

Matias Lagramada appeals the August 23, 2000 Decision<sup>[1]</sup> of the Regional Trial Court (RTC) of Morong, Rizal (Branch 79) in Criminal Case Nos. 3158-M and 3159-M, finding him guilty of rape and sentencing him to reclusion perpetua. The dispositive portion of the Decision reads:

"WHEREFORE, in view of the foregoing, and finding the accused MATIAS LAGRAMADA guilty beyond reasonable doubt of rape for two (2) counts committed upon the minor JOSEPHINE LAGRAMADA, [this Court sentences him] to suffer the penalty of RECLUSION PERPETUA, for each count of rape and to pay civil indemnity to [the] offended party in accordance with recent jurisprudence, the amount of P75,000.00 also for each count."<sup>[2]</sup>

Two similarly worded Informations, both dated November 11, 1998,<sup>[3]</sup> charged him as follows:

"That in or about the month of April, 1996, in the Municipality of Morong, Province of Rizal, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, by means of force, violence and intimidation, did, then and [there] willfully, unlawfully and feloniously have carnal knowledge with one Josephine Lagramada, a twelve (12) year old girl, against the latter's will and consent."<sup>[4]</sup>

With the assistance of counsel,<sup>[5]</sup> appellant pleaded not guilty when arraigned on March 16, 1999.<sup>[6]</sup> After trial on the merits, the RTC rendered the assailed Decision.

#### The Facts

##### Version of the Prosecution

In its Brief, the Office of the Solicitor General (OSG) summarized the prosecution's version of the facts as follows:<sup>[7]</sup>

"In April 1996, about 7:00 o'clock in the morning, the victim Josephine Lagramada, 11 years of age, was sitting inside the sala of her parents' one-storey house located at San Guillermo, Morong, Rizal, when she was pulled inside a 3 x 4 meter room by appellant Matias Lagramada (second cousin of the victim's father) who threatened her with bodily harm. The victim saw that appellant had a 'balisong' tucked [in] his pants. Appellant pushed her on the bamboo bed ('papag'), removed her shorts and thereupon lay on top of her as he removed his own clothes. The victim felt pain when appellant inserted his penis into her vagina. Appellant gained carnal satisfaction in a matter of three (3) minutes and left the room thereafter. The victim kept the incident to herself because she was afraid of appellant who threatened her not to tell anyone about the incident. On September 15, 1996, about nighttime, appellant approached the victim who was sleeping on the lighted floor of their house beside her younger sister, Anita Lagramada. Appellant took off her shorts and had sexual congress with her for about three (3) minutes. Appellant left the scene, leaving the victim crying in despair.

"On January 3, 1998, the victim's father, Apolonio Lagramada, knew of another attempt by appellant to rape his daughter, which prompted him to report to the police authorities. The victim, on the same day, underwent medical examination by Inspector Dennis G. Bellin, Medico-Legal Officer, Camp Crame Crime Laboratory Group, Quezon City, and she was found to have sustained a 'shallow healed laceration at 9:00 o'clock position' and that the '[s]ubject is in [a] non-virgin state physically.'" (Citations omitted)

#### Version of the Defense

In his Brief, appellant gave his version of the facts thus: [8]

"Sometime in the morning of January 3, 1998 when accused was residing with his uncle, Apolonio Lagramada and his daughter[s], Josephine and Anita[,] in their new residence at El Dorado, Antipolo City as said accused was helping his uncle, Apolonio Lagramada in repairing their new residence at the said El Dorado, Antipolo City, the latter requested the accused, to help him get a refrigerator he would repair for the chief of [police] of Baras, Rizal. As requested, accused helped his uncle, Apolonio and went directly to the Municipal Hall of Baras, Rizal. Upon [r]eaching Baras, accused was told by Apolonio to stay downstairs, but already being guarded by a policeman right near the [d]esk [s]ergeant while he, Apolonio proceeded directly upstairs where the Office of the Chief of Police is situated.

"It did not take long[.] Apolonio went down with the chief of [p]olice and told accused that he would go home while he (accused) shall stay with the [p]oliceman on duty, whose name is 'Pat. Jerry Fuliente, as he heard the chief of [p]olice telling the [p]oliceman '[to] take him inside the jail.'

"At about 8[:]30 [a.m.] the next day, January 4, 1998, Apolonio, with his daughters, Josephine and Anita appeared and went directly to the Office of the Chief of Police and moments later, accused saw a policeman taking the written statements of the two, Josephine and Anita. Likewise,

accused saw his uncle, Apolonio handing the two (2) documents, saying that the first one is a Request for Medico Legal and the other is an Initial Laboratory Report on the medical examination of Josephine, and [b]oth dated January 3, 1998 of three (3) years after the alleged rapes were committed.

"While being interviewed by the investigators, Pat. Jerry Fuliente, who is his guard, used to tell him that he (accused) must not worry about his situation, as he was allegedly requested by Apolonio to explain to him hi[s] situation, in that he (accused) must not worry [about] his problem as for the amount of P35,000.00 his cases would be dismissed as Apolonio told him to relay to him. Not only four times that Pat. Fuliente opened this matter to the accused, so that, when his relatives like Francisco Lagramada visited him and gave him money for his expenses while in jail, he relayed the same to him as he (accused) won't enter into such a 'stupid payment' as he did not commit any such rapes against his cousin when it was he who took care of her when she, Josephine Lagramada got involved in an accident and hospitalized for about three (3) weeks at the Orthopedic Hospital."

#### Ruling of the Trial Court

The RTC gave full faith and credence to the testimony of complainant. Noting that she was young and unmarried, it held that she would never fabricate a story of defloration, allow the examination of her private parts, and thereafter permit herself to be the subject of a public trial, if she was not motivated by an honest desire to have the culprit brought to justice. The court a quo also held that her delayed reporting of the rape incidents did not undermine her credibility, since the delay was supposedly grounded on appellant's threats to her life. Furthermore, it ruled that the "minor inconsistencies" in her testimony even bolstered her credibility and the truthfulness of her story.<sup>[9]</sup>

The RTC did not give credence to the defense of denial interposed by the accused and ruled that it could not prevail over the positive testimony of complainant. As between his denial and her positive identification of him, the latter was given greater weight, especially because she had no motive to testify falsely against him.<sup>[10]</sup>

Hence, this appeal.<sup>[11]</sup>

#### Issues

In his Brief appellant alleged in a rather jumbled manner that, in convicting him, the court a quo had erred on the following grounds:

"1. No evidence was presented that it was accused who deflowered or virginized Josephine Lagramada, the alleged victim or complainant in these cases.

x x x x x x x x

2. The evidence presented by the prosecution calls for the dismissal of the two (2) cases on grounds that the testimony of the complainant, Josephine Lagramada was said to be false and untrue by her witnesses, her father and sister.

x x x x x x x x

3. On records now, undoubtedly, Josephine, the complainant has been lying since the beginning, from the time the accused-appellant helped her when she met an accident up to this time.

x x x x x x x x

[4] . The very purpose of the father of Josephine, Apolonio Lagramada, who is a first cousin of the father (already dead) of herein accused-appellant [was] to improve his living with his daughter, Anita and others as his earnings [were] not enough.”[12]

In short, he argues that the RTC erred in giving full faith and credence to complainant’s testimony despite its inherent contradictions and implausibility.

#### The Court’s Ruling

The appeal has merit. The guilt of appellant was not proven beyond reasonable doubt. Therefore, this Court cannot sustain his conviction.

#### Main Issue:

##### *Complainant’s Credibility*

In reviewing rape cases, this Court has always been 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) in view of the intrinsic nature of the crime where usually only two persons are involved, the testimony of the complainant must be scrutinized with extreme 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.[13]

Moreover, when the issue is the credibility of witnesses and of their testimonies, the trial court is generally deemed to have been in a better position to observe their deportment and manner of testifying during the trial. Thus, appellate courts will not disturb its findings, unless it plainly overlooked certain facts of substance and value which, if considered, might affect the result of the case.[14]

After poring over the records of this case, especially the transcripts of stenographic notes, this Court is convinced that the prosecution has not been able to prove appellant’s guilt beyond reasonable doubt.

#### *The Alleged First Incident of Rape*

In her testimony, complainant narrated the supposed first rape in this manner:

“FISCAL RAMIREZ:

Now, when Matias Lagramada was pulling you, what did he say if any?

A Not to tell anyone.

Q And what was your reaction when he was pulling you?

A I was afraid, sir.

Q Now, where did he bring you?

A In the room, sir.

Q Now, this house of yours, how many rooms are there?

A Two (2), sir.

Q Is that a bungalow or a 2-storey house?

A 1-storey building, sir.

FISCAL RAMIREZ:

You mentioned that you were brought in a room[;] whose room [was] that?

A Our room, sir.

Q When you said our room, to whom are you referring x x x?

A I, together with my sister, sir.

Q What is the name of your sister?

A Anita, sir.

Q Now, how far is the sala from your room. Using as a point of your reference your seat?

A Two (2) meters, sir.

Q Now, that room wherein Matias Lagramada brought you, is there a door in it?

A There is no door, sir, but there is a curtain.

Q Now, when Matias Lagramada [pulled] you and brought you inside your room, did you have a premonition on what will happen to you?

A None, sir.

Q Now, you mentioned that Matias Lagramada undressed you[;] what clothes were you wearing at that time?

A A white t-shirt, sir.

Q What did you do, if any, when Matias Lagramada started to undress you?

A When he was trying to remove my shorts I was pulling it up and I was frightened, sir.

Q Now, when Matias Lagramada was pulling your shorts down, you were facing each other, is that correct?

A Yes, sir.