

EN BANC

[G.R. No. 142577, December 27, 2002]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
RUPERTO RAMOS Y DELA CRUZ, ACCUSED-APPELLANT.**

DECISION

CALLEJO, SR., J.:

This is an automatic review of the Decision dated November 19, 1999 of the Regional Trial Court (RTC) of Malolos, Bulacan, Branch 21 in Criminal Case No. 659-M-98 finding accused-appellant Ruperto Ramos y dela Cruz guilty beyond reasonable doubt of the crime of rape and likewise imposing upon him the supreme penalty of death. Accused-appellant was ordered to pay private complainant the amount of P75,000.00 as moral damages.

Upon the complaint of the victim, Jocelyn Ramos, an Information charging accused-appellant of rape was filed before the RTC of Malolos, Bulacan. The Information states:

The undersigned Asst. Provincial Prosecutor, on complaint of the offended party, accuses Ruperto Ramos y dela Cruz of the crime of Rape, penalized under the provisions of Art. 335 of the Revised Penal Code, as amended by R.A. 8353, committed as follows:

That on or about the 14th day of December, 1997, in the municipality of Sta. Maria, province of Bulacan, Philippines and within the jurisdiction of this Honorable Court, the said accused, Ruperto Ramos y dela Cruz, being an uncle of complainant Jocelyn Ramos, a 16 year old mentally retarded minor, and knowing of her mental condition, did then and there wilfully, unlawfully and feloniously, by means of threats or intimidation and with lewd designs, have carnal knowledge of said complainant against her will and without her consent.

Contrary to law.”^[1]

During the arraignment, accused-appellant, with the assistance of counsel, pleaded not guilty to the charge.

At the trial, the prosecution adduced evidence that the spouses Efren Ramos and Fortunata Ramos have two children, namely, Jocelyn, then fifteen years old at the time of the commission of the crime, and Mary Grace, who was then six years old. Fortunata and her children resided in a compound in Partida Pulong Buhangin, Sta. Maria, Bulacan. Accused-appellant, the older brother of Efren, resided in the same compound. His house was about twenty meters away from the house of Efren and Fortunata. Efren worked abroad. He had been away from home for several years already.

On December 14, 1997, at around noontime, Jocelyn was outside the house playing with her younger sister Mary Grace and their seven-year old neighbor Joel Santiago. While the children were busy playing, accused-appellant, then wearing an undershirt and shorts, waved his hand to Jocelyn and motioned for her to come to his house. Jocelyn dutifully approached accused-appellant and entered his house through the kitchen. Once Jocelyn was inside the house, accused-appellant locked the door to the kitchen. He then led her to his bedroom. Once they were inside, accused-appellant locked the bedroom door. He undressed Jocelyn and made her lie down on the bed. Accused-appellant placed himself on top of her. He spread her legs apart while he mashed her breast and sucked her nipples. Thereafter, accused-appellant inserted his penis into her sexual organ. Jocelyn felt pain as he made the pumping motion while inserting his private part into hers. Jocelyn could not do anything but cry. Accused-appellant threatened her by gnashing his teeth and ordered her not to tell anyone else. According to Jocelyn, that was not the first that accused-appellant had sexually abused her.

Unknown to accused-appellant, Mary Grace and Joel saw Jocelyn enter the house of accused-appellant that day. They went to the window of the house of accused-appellant and propped themselves up alternately on each other's shoulder to be able to peep through the window. Joel saw Jocelyn lying on the bed totally naked, with accused-appellant on top of her. Joel saw accused-appellant inserting his penis into her vagina. Mary Grace in turn saw accused-appellant fondle the breasts of Jocelyn while she was lying down and thereafter insert his hand into Jocelyn's underwear.

At about 4:00 p.m. that day, Mary Grace told her mother Fortunata about what transpired between accused-appellant and Jocelyn. When Fortunata confronted Jocelyn about it, the latter confirmed what Mary Grace had told their mother. Since her husband was abroad, Fortunata went to Rafael Ramos, the older brother of Efren and accused-appellant, for guidance. Rafael advised her to file a criminal complaint against accused-appellant for his dastardly acts.

Following her brother-in-law's advice, Fortunata, on behalf of Jocelyn, filed a criminal complaint against accused-appellant for rape with the Municipal Trial Court (MTC) of Sta. Maria, Bulacan on December 15, 1997. The complaint was signed by Fortunata. Jocelyn affixed her thumbmark thereto.^[2] Jocelyn was 16 years old at the time. In her sworn statement, Fortunata claimed that accused-appellant raped Jocelyn.^[3]

Dr. Manuel Aves, medico-legal of the Bulacan Provincial Crime Laboratory, conducted a genital examination of Jocelyn on December 17, 1997. He found multiple healed lacerations at 9 and 11 o'clock positions on Jocelyn's hymen. He opined that the lacerations could have been caused by sexual intercourse. Dr. Aves likewise declared that Jocelyn was suffering from moderate mental retardation, and placed her mental capacity equivalent to that of a six- or seven-year old child.^[4]

After a series of psychiatric examinations conducted on her by Dr. Bernadette Arcena of the National Center for Mental Health, the latter confirmed that Jocelyn was indeed a mental retardate whose mental age was equivalent to that of a six-year old child.^[5]

For his part, accused-appellant denied having any carnal knowledge of Jocelyn. He admitted that Jocelyn is his niece, being the daughter of Efren, his younger brother. Accused-appellant claimed that he was in his house on December 14, 1997 with his

brother-in-law Victor Gamboa, his niece Mildred Ramos who was the wife of his nephew Roland Ramos, his five-year old son Ryan, and Roland's and Mildred's daughter, Ranyamae Ramos. Accused-appellant asserted that Jocelyn never went to his house on December 14, 1997.

Mildred Ramos corroborated accused-appellant's claim and testified that both of them were in their house the whole day on December 14, 1997, and that she did not see Jocelyn inside the house or enter accused-appellant's bedroom on that day.

Victor Gamboa testified that his sister and accused-appellant were married. The couple had a son named Ryan. They resided in Dagupan City until accused-appellant's wife died in 1996. By then, Ryan was already four years old. After his wife's death, accused-appellant left Dagupan City and resided in the house of Roland Ramos and Mildred Ramos, leaving Ryan Ramos in the custody of Victor Gamboa. On December 13, 1997, at about 3:00 p.m., Victor Gamboa and Ryan arrived in Sta. Maria, Bulacan to visit accused-appellant. Victor Gamboa and Ryan stayed in the house of Roland Ramos and Mildred Ramos the whole day on December 14, 1997. He and Ryan left at about 6:00 p.m. and returned to Dagupan City. He never saw Jocelyn in said house the whole day on December 14, 1997.

Accused-appellant further testified that Fortunata was just envious of him because his (accused-appellant's) inheritance was still intact while that of Fortunata's family had already been depleted. He further claimed that Fortunata bore a grudge against him because she borrowed P500.00 or P300.00 from him but he refused to lend her any amount; and that he caused the removal of the illegal electricity connection in Fortunata's house. Accused-appellant claimed that while he was in prison, Fortunata's driver Domingo came to him and demanded the payment of half a million pesos as settlement of the case but accused-appellant refused to pay as he did not have such amount of money. Accused-appellant also asserted that Jocelyn was always out of the house with her "*barkadas*," implying that she could have been sexually abused while with them.

The trial court rendered judgment finding appellant guilty beyond reasonable doubt of raping his niece Jocelyn and sentencing him to suffer the supreme penalty of death. The dispositive portion of the trial court's decision reads:

"WHEREFORE, this Court finds and so holds accused RUPERTO RAMOS to be GUILTY beyond reasonable doubt, of the crime of Rape as defined and penalized under Article 335 of the Revised Penal Code, as amended by R.A. 8353 with the attendant aggravating circumstances that 'the victim is under eighteen years of age and the offender is a x x x relative by consanguinity or affinity within the the (sic) third civil degree. x x x'.

Relative thereto, this Court cannot find a way to differ from the High Court's impression that of all the so-called heinous crimes, none perhaps more clearly provokes feelings of outrage, detestation and disgust than incestuous rape. (People vs. Baculi, 246 SCRA 756) Accordingly, absent any circumstances that would mitigate the commission thereof, he is hereby sentenced to suffer the supreme penalty of DEATH by lethal injection.

In line with established jurisprudence, the said accused is also ordered to indemnify the offended party Jocelyn Ramos, in the sum of P75,000.00 for moral damages.

With costs against the accused.

SO ORDERED.”^[6]

In his appeal brief, accused-appellant assails the decision of the trial court, alleging that:

“I

THE COURT A QUO GRAVELY ERRED IN GIVING CREDENCE TO THE TESTIMONIES OF THE PROSECUTION WITNESSES AND IN TOTALLY IGNORING/DISREGARDING THE VERSION OF THE DEFENSE.

II

THE COURT A QUO GRAVELY ERRED IN FINDING THE ACCUSED-APPELLANT GUILTY BEYOND REASONABLE DOUBT OF THE CRIME CHARGED.”^[7]

The issues raised by appellant shall be resolved jointly as they are interrelated.

We agree with accused-appellant’s pose that, in reviewing rape cases, the court has always been guided by three (3) well-entrenched principles: (1) an accusation of rape can be made with facility and while the accusation is difficult to prove, it is even more difficult for accused, though innocent, to disprove; (2) considering that in the nature of things, only two persons are usually involved in the crime of rape, the testimony of the complainant should be scrutinized with great 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.^[8] The primordial consideration in a determination concerning the crime of rape is the credibility and probative weight of complainant’s testimony.^[9]

The legal aphorism is that the findings of the trial court, its conclusions culled from said findings, its calibration of the testimonial evidence of the parties and the probative weight thereof are accorded, great respect, if not conclusive effect, by the appellate court because of the unique advantage of the trial court of monitoring and observing at close range the demeanor, deportment and conduct of said witnesses as they regale the trial court with their testimonies. In contrast, the appellate courts must contend itself only with the mute pages of the original records and the evidence adduced by the parties elevated by the trial court.^[10]

In this case, the trial court found Jocelyn credible and gave full probative weight to her testimony thus:

“More so, as herein observed, when Jocelyn has been able to communicate her experience in a manner that was clear as well as consistent. Neither was her testimony attended by material flaws in the cross-examination. On the contrary, more details were extracted of her regarding the incident in question. Hence, we find no valid reason to disregard or discredit her testimony.”^[11]

Indeed, the findings of the trial court are buttressed by the testimony of Jocelyn as she vividly recalled how accused-appellant defiled her, with tears welling from her

eyes, her sex organ throbbing with pain caused by penile penetration:

“Atty. Bernabe:

Q Madam Witness do you know the accused in this case
Ruperto Ramos?

A Yes, sir.

Q If he is inside the court room will you please point him to
us?

A (The witness is pointing to a man in handcuff.)

Court:

Q Why do you know the accused?

A He is the brother of my father, Your Honor.

Q Who is older Ruperto or your father?

A Ruperto, Your Honor.

Q What is the name of your father?

A Efren Ramos, Your Honor.

Atty. Bernabe:

Q Sometime in December 14, 1997, do you recall if you have
met your uncle Ruperto Ramos?

A Yes, sir.

Q How did you come to see and meet the accused Ruperto
Ramos?

A He kept on looking at me, Sir.

Q And when he was looking at you on that date of December
14, 1997, what happened next?

A He was undressing me, Sir.

Q In what place that you were being undressed by the
accused?

A Inside his bedroom, Sir.

Q How come that you were at the bedroom on your uncle on
that day?

A He was calling me, Sir.

Court:

Q What time of the day is that?

A Noon time, Your Honor.

Atty. Bernabe:

Q Where were you when you were being called by your
uncle?