

FIRST DIVISION

[G.R. No. 131914, April 30, 2001]

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. JAIME ABLANEDA @ JOEY CAPISTRANO Y DE MESA, ACCUSED-APPELLANT.

D E C I S I O N

YNARES-SANTIAGO, J.:

On February 18, 1993, at around 7:00 o'clock in the morning, six-year old Magdalena Salas, a Grade I pupil at the Baldovino Elementary School, Camambugan, Daet, Camarines Norte, was walking to school. Along the way, accused-appellant Jaime Ablaneda, also known as Joey Capistrano, approached her and asked if he could share her umbrella, since it was raining. Suddenly, accused-appellant boarded a trimobile with Magdalena and brought her to a small hut. While inside, accused-appellant removed his underwear and the child's panties. He applied cooking oil, which he had bought earlier, on his organ and on Magdalena's. Then, he proceeded to have sexual intercourse with the little girl. Magdalena felt pain but was too terrified to speak or cry out. After satisfying his lust, accused-appellant ordered Magdalena to go home.

When Magdalena arrived at their house, Ailene Villaflores, her uncle's sister-in-law, noticed that she looked pale and weak, and found traces of blood on her dress. Ailene asked her what happened, but Magdalena merely said that her classmate had pushed her. Ailene did not believe this, so she brought her to a quack doctor. The latter told her that Magdalena had been raped. Ailene then brought Magdalena to the Daet Police Station and, later, to the Camarines Norte Provincial Hospital to have her medically examined. When Ailene saw Magdalena's bloodied panties, she again asked her what happened. This time, Magdalena confessed that she was raped by a man who had a scar on the stomach.

Dr. Nilda Baylon, the Medico-Legal Officer who examined Magdalena, found that the latter's hymen was completely lacerated, thus confirming that she had indeed been raped.^[1]

Sometime thereafter, Magdalena and Ailene were summoned by the police because a man had been apprehended. At the precinct, Magdalena positively identified accused-appellant as her rapist.

Consequently, accused-appellant was charged before the Regional Trial Court of Daet, Camarines Norte, with the complex crime of Forcible Abduction with Rape, in an information which reads:

That on or about 7:00 o'clock in the morning of February 18, 1993 at Barangay Camambugan, Municipality of Daet, province of Camarines Norte and within the jurisdiction of this Honorable Court, the above-named accused with lewd design did then and there willfully, unlawfully and feloniously, abduct one Magdalena Salas, a minor, 7 years old (*sic*) by bringing her to a small hut in a grassy place and while thereat, said accused, unlawfully, feloniously, and criminally, did then and there have carnal knowledge of said Magdalena Salas against her will to her damage and prejudice.

CONTRARY TO LAW.^[2]

At his arraignment, accused-appellant pleaded not guilty. After trial, the lower court rendered judgment on June 30, 1997, the dispositive portion of which reads:

WHEREFORE, judgment is hereby rendered finding the accused GUILTY beyond reasonable doubt of the complex crime of forcible abduction with rape as defined and penalized by Art. 342 of the Revised Penal Code in conjunction with Art. 335 (S.3) of the Revised Penal Code and Art. 48 of the Revised Penal Code. Accordingly, he is hereby sentenced to suffer the penalty of *reclusion perpetua*, all accessory penalties of the law and as and by way of damages to pay the amount of Fifty Thousand Pesos (P50,000.00) to the victim and to pay the cost.^[3]

Hence this appeal, where the sole issue raised is whether there was sufficient evidence to sustain his conviction.

In criminal cases, the quantum of evidence required is proof beyond reasonable doubt and not merely sufficient evidence. Proof beyond reasonable doubt does not mean such a degree of proof as, excluding possibility of error, produces absolute certainty. Moral certainty only is required,^[4] or that degree of proof which produces conviction in an unprejudiced mind.^[5] This evidentiary requirement has been duly established by the prosecution in this case.

The elements of the crime of forcible abduction, as defined in Article 342 of the Revised Penal Code, are: (1) that the person abducted is any woman, regardless of her age, civil status, or reputation; (2) that she is taken against her will; and (3) that the abduction is with lewd designs. On the other hand, rape is committed by having carnal knowledge of a woman by force or intimidation, or when the woman is deprived of reason or is unconscious, or when she is under twelve years of age.^[6]

All these elements were proven in this case. The victim, who is a woman, was taken against her will, as shown by the fact that she was intentionally directed by accused-appellant to a vacant hut. At her tender age, Magdalena could not be expected to physically resist considering that the lewd designs of accused-appellant could not have been apparent to her at that time. Physical resistance need not be demonstrated to show that the taking was against her will. The employment of deception suffices to constitute the forcible taking, especially since the victim is an unsuspecting young girl. Considering that it was raining, going to the hut was not