

## TWENTIETH DIVISION

**[ CA-G.R. CEB-CR HC NO. 01462, April 24, 2014 ]**

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. RICKY ARGUTA ALIAS "JOEL" AND WILSON CAHIPE ALIAS "SIWIT", ACCUSED-APPELLANTS.**

### DECISION

**HERNANDO, J:**

Before this Court is an appeal filed by accused-appellants Ricky Arguta and Wilson Cahipe seeking the reversal of the Decision<sup>[1]</sup> dated July 25, 2008 of the Regional Trial Court (RTC), Branch 6, of Tacloban City finding them guilty beyond reasonable doubt of Rape in Criminal Case No. 97-02-76.

#### **The Antecedents:**

A criminal Information was filed against accused-appellants Ricky Arguta and Wilson Cahipe for the crime of Rape. They allegedly committed the offense as follows:

#### **Criminal Case No. 97-02-76**

That on or about the 5<sup>th</sup> day of December 1996, in the Municipality of Tanauan, Province of Leyte, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, conspiring, confederating and mutually helping each other, motivated by lewd design, with the use of a bladed weapon, by means of force and intimidation, did then and there willfully, unlawfully and feloniously, have carnal knowledge of one MRI<sup>[2]</sup>, without her consent and against her will.

Contrary to Law.

Concomitantly, another criminal Information for Rape was filed against accused-appellant Wilson Cahipe which he allegedly committed as follows:

#### **Criminal Case No. 97-02-77**

That on or about the 5<sup>th</sup> day of December 1996, in the Municipality of Tanauan, Province of Leyte, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, motivated by lewd design, by means of force and intimidation, did then and there willfully, unlawfully and feloniously, have carnal knowledge of one MRI, without her consent and against her will.

Contrary to Law.

When the accused-appellants were arraigned, they registered negative pleas of guilt. After pre-trial, trial on the merits ensued.

The facts of the case according to the prosecution are summarized as follows:

At around eight o'clock in the evening of December 5, 1996, MRI was instructed by her father to fetch her sister in school. When she failed to find her sister, MRI went back home. On her way home, accused-appellants intercepted MRI and dragged her to a cottage at a nearby beach resort. MRI shouted for help but nobody heard her cries. In the cottage, accused-appellants tied MRI's hands and feet. Thereafter, her clothes were forcibly removed and she was made to lie down on the floor. Accused-appellant Ricky Arguta then positioned himself on top of MRI and inserted his organ into her vagina. After Arguta satisfied his bestial desires, accused-appellant Wilson Cahipe took his turn in raping MRI. After satiating their lust, accused-appellants left MRI at the cottage. However, after an hour had passed, Cahipe went back and dragged MRI out of the cottage. They then proceeded to a store owned by Lino Ostero where MRI relived her harrowing experience in the hands of Cahipe. For a second time, Cahipe mounted on top of her and inserted his organ into her vagina. Thereafter, she was brought back to the cottage. The following morning, MRI's father, who had been looking for her, found her crying at the cottage.

On the other hand, accused-appellants interposed denial and alibi as their defenses. Accused-appellant Wilson Cahipe averred that he was looking after the store of Lino Ostero on the date and time that MRI was allegedly raped. On the other hand, accused-appellant Ricky Arguta asserted that he was simply watching television at the house of Lino Ostero during the evening of the incident. Moreover, accused-appellants stressed that they are oblivious as to the reason why MRI had accused them of the crime charged.

After trial, the court *a quo* found that accused-appellants' unsubstantiated denials and alibi utterly failed to overturn MRI's rape charges against them. The trial court found MRI's testimony to be credible and worthy of belief since accused-appellants failed to proffer any plausible reason why she would fabricate false charges against them. Moreover, the trial court observed that MRI's testimony of being raped coincided with the physician's medical findings on the healed and partially healed hymenal lacerations found on her genitalia. It ruled that the laceration of the hymen, fresh or healed, is the best physical evidence of defloration. Thus, in its assailed Decision, the trial court found accused-appellants guilty beyond reasonable doubt for the crime of Rape in Criminal Case No. 97-02-76. However, it dismissed the complaint against Wilson Cahipe in Criminal Case No. 97-02-77, to wit: <sup>[3]</sup>

In VIEW, of all the foregoing, WHEREFORE, the court, in Criminal Case No. 97-02-76, finds accused Ricky Arguta alias "Joel" and Wilson Cahipe alias "Siwit" guilty beyond reasonable doubt with the crime of Simple Rape and there having no modifying circumstance present, sentences each accused to suffer imprisonment of reclusion perpetua and to pay the victim jointly and severally civil indemnity of Fifty Thousand (P50,000.00) pesos and moral damages of Fifty Thousand (P50,000.00) pesos.

In Criminal Case No. 97-02-77, solely charging accused Wilson Cahipe with the crime of rape, due to insufficiency of evidence, accused Wilson Cahipe alias "Siwit" is hereby declared not guilty. The complaint against

him is hereby ordered dismissed.

So Ordered.

Hence, the current appeal before Us.

### **The Issue:**

The sole issue in this appeal is whether or not the accused-appellants' guilt was proven beyond reasonable doubt by the prosecution.

### **The Court's Ruling**

*The appeal is bereft of merit.*

Oft repeated is the rule that factual findings of the trial court on the credibility of witnesses and their testimonies are entitled to the highest respect and will not be disturbed on appeal, in the absence of any clear showing that it overlooked, misunderstood or misapplied some facts or circumstance of weight and substance which would have affected the result of the case.<sup>[4]</sup> There is no such misapprehension or misapplication committed by the court *a quo* in this case. The contradictions and inconsistencies espoused by the appellants pertain only to trivial matters. The exact time when MRI left their house to look for her sister is insignificant in proving the fact of rape. Likewise, MRI's testimony that no person was able to hear her cries for help when appellants dragged her through a populated area at seven or eight o'clock in the evening is inconsequential. Evidently, these deserve scant consideration as aptly ruled in *People v. Antonio*:<sup>[5]</sup>

The alleged inconsistencies are inconsequential considering that they refer to trivial matters which have nothing to do with the essential fact of the commission of rape, that is carnal knowledge through force or intimidation. Discrepancies and inconsistencies in the testimony of a witness referring to minor details, and not in actuality touching upon the central fact of the crime, do not impair her credibility. If at all, they serve as proof that the witness is not coached or rehearsed.

Indeed, it was proper for the trial court to rely on the positive identification and faithful account made by the victim herself. MRI's categorical, straightforward and positive identification certainly prevails over the appellants' unsubstantiated denial and alibi.<sup>[6]</sup> Verily, appellants' defenses cannot overcome the positive declarations made by the complainant as correctly observed by the trial court:<sup>[7]</sup>

The denial by both accused to the charge and to the alibi given by accused Ricky Arguta that at the time of the incident he was viewing TV in the house of his employer and to the alibi given by accused Wilson Cahipe that at the time the incident herein complained of occurred, he was in the store, tended by him, cannot overcome the positive declarations by the complainant. Courts generally view the defenses of denial and alibi with disfavor on account of the aridity and facility with which an accused can concoct them to suit his defense. (*People vs. Olivar*. 411 SCRA 489) Alibi is worthless as against positive identification by prosecution witness. (*People vs. Oco*, 412 SCRA 190) For alibi to