

THIRTEENTH DIVISION

[CA-G.R. CR.-H.C. No. 04569, October 08, 2014]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
FREDERICK ALMEDA Y DE GUIA, ACCUSED-APPELLANT.**

DECISION

SADANG, J.:

This is an appeal from the Decision^[1] dated June 17, 2009 of the Regional Trial Court (RTC) of Siniloan, Laguna, Branch 33, in Criminal Case No. S-5844 finding accused-appellant Frederick Almeda y de Guia (hereafter, accused) guilty beyond reasonable doubt of rape.

The Information indicting accused of rape reads:

That on or about July 13, 2001, in the municipality of Pangil, province of Laguna and within the jurisdiction of this Honorable Court, the above-named accused with lewd design and with the use of force and intimidatation (sic), did then and there willfully, unlawfully and feloniously have carnal knowledge with one AAA^[2] against her will and consent, to her damage and prejudice.

CONTRARY TO LAW.^[3]

On February 6, 2002, accused, assisted by Atty. Benedicto Palacol, entered a not guilty plea; hence, pre-trial and trial ensued.

By the testimonies of AAA and Virginia Carabido the prosecution presented its case thus: At about 10 PM on July 13, 2001, AAA was sleeping in their house at Sitio Niyugan, Palacio St., Barangay Balian, Pangil, Laguna with her two children, aged 2 and 3. She woke up when her 2-year old child stirred from her sleep. A few minutes later, accused broke into the house wearing only his basketball shorts. He poked a knife at AAA and warned her not to move as he undressed her. AAA tried to struggle but to no avail. Having undressed AAA, accused went on top of her and had carnal knowledge of her while pointing his knife at her. Thereafter, AAA was able to break free from accused by pushing him and she ran to the house of her neighbor, Virginia Carabido, which was about fifteen meters away. She knocked hard on the door, rousing Virginia from her sleep. As Virginia opened the door she saw AAA standing before her stark naked. She let in AAA and gave her clothes. AAA revealed to Virginia that she had been debased ("*sinalbahe*") by accused. Virginia sought the help of her uncle in getting the children who were still in AAA's house, which they did.

The prosecution offered in evidence the medical certificate issued by Dr. Efren M. Ponsaran of the General Cailles Memorial Hospital as well as the *Sinumpaang Salaysays* of AAA and Virginia Carabido.

Accused and his brother, Abraham Almeda presented his version thus: On July 13, 2001, at around 10 PM, he was sleeping in his house as he was afflicted with the flu. He was with his older brother, Reynaldo Almeda. His house was 150 meters away from AAA's house. He did not leave his house and woke up at 5:30 AM. The following day, he went to the mountains and came home only when his mother told him that he was a suspect in a rape that had been committed. He was arrested on July 23, 2001 and detained at the Pangil Municipal Jail. Cristeta Baldavia, AAA's godmother, came to visit and told him that the real culprits were a certain "Ading" and Elmer, alias "Patik," Cristeta's son. Cristeta's daughter also handed to accused's brother, Abraham, a letter (Exhibit 2) whereby AAA stated that she was willing to withdraw her complaint against accused. Accused tried to look for AAA but she was already in the mountains. He no longer confronted AAA about the letter because he thought that her parents and relatives might not think kindly of him.

On June 17, 2011, the trial court rendered a Decision^[4] finding accused guilty as charged. The *fallo* reads:

WHEREFORE, the Court FINDS that the prosecution convincingly discharged its burden of proving the guilt of the accused beyond reasonable doubt of the crime of rape charged in the information.

This Court, thus, hereby sentences the accused FREDERICK ALMEDA to suffer the penalty of RECLUSION PERPETUA and to pay the private complainant the amount of P75,000.00, as civil indemnity, P75,000.00 as moral damages and P25,000.00, as exemplary damages, and the costs of suit.

SO ORDERED.

Accused filed a Notice of Appeal^[5] which was given due course in the Order^[6] dated July 3, 2009.

In this appeal, it is contended that the trial court erred:

1. In convicting the accused despite the inconsistent and contradictory statements and testimonies of the private complainant and her witness;
2. In directing the accused-appellant to pay the private complainant the amount of php 75,000.00 as civil indemnity and php 25,000.00, as exemplary damages and cost of suit.

The Solicitor General filed a Brief for the plaintiff-appellee,^[7] the People of the

Philippines.

RULING

We affirm the guilty verdict.

The Information charged accused of the crime of rape, defined and penalized under Article 266-A and Article 266-B of the Revised Penal Code thus:

Art. 266-A. *When and how rape is committed.* - Rape is committed-

1. By a man who shall have carnal knowledge of a woman under any of the following circumstances:

a. Through force, threat or intimidation;

x x x x x x x x x

Art. 266-B. *Penalties.* - Rape under paragraph 1 of the next preceding article shall be punished by *reclusion perpetua*.

When the rape is committed with the use of a deadly weapon or by two or more persons, the penalty shall be *reclusion perpetua* to death.

x x x x x x x x x

The elements of simple rape under paragraph 1 (a) of Article 266-A are: 1) a male offender had carnal knowledge of a woman; and, 2) such carnal knowledge was committed through force, threat, or intimidation.

We agree with the Solicitor General that the guilt of the accused was established beyond reasonable doubt. AAA positively identified the accused as her assailant and, as found by the trial court, she narrated the details of the sexual assault in a forthright and direct manner. There is nothing in her rape account that is contrary to human experience. Considering that there is no showing that she had ill motives in imputing a serious crime to the accused, AAA is a credible witness. Thus, when she says that she was raped, she says in effect all that is necessary to show that rape was committed.^[8] Indeed, no woman would want to go through the process, the trouble and the humiliation of trial for such a debasing offense unless she actually has been a victim of abuse and her motive is but a response to the compelling need to seek and obtain justice.^[9]

Accused contends, however, that the lower court erred in giving credence to the testimonies of AAA and Virginia. He points out alleged inconsistencies in their testimonies, viz.: 1) in her sworn statement, Virginia stated that she was still able to relieve herself after she saw accused, however, she testified in court that she was not able to do so; 2) during the ocular inspection, Virginia testified that she did not notice the face of the accused because he was facing the opposite direction; 3) AAA testified in court that she did not feel accused's ejaculation because she pushed him and that she had her clothes on when she ran to the house of Virginia, however, in