

EN BANC

[G.R. NO. 172322, September 08, 2006]

**PEOPLE OF THE PHILIPPINES, APPELLEE, VS. RENE SANTOS,
APPELLANT.**

DECISION

TINGA, J.:

For allegedly sexually assaulting 5-year-old AAA, Rene Santos was charged with Rape in an Information^[1] alleging -

That on or about in the afternoon of between 17th and 23rd of July 1999 in the [B]arangay of xxx, [M]unicipality of xxx, [P]rovince of Pampanga, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, RENE SANTOS, with lewd designs and by means of deceit, force and intimidation, did then and there willfully, unlawfully and feloniously succeeded in having carnal knowledge with AAA, 5 years of age, against her will.

Contrary to law.

Upon arraignment, appellant pleaded not guilty to the charge.^[2] Trial thereafter ensued, after which the Regional Trial Court of Macabebe, Pampanga, Branch 55, rendered judgment^[3] imposing the death penalty thus:

WHEREFORE, on the basis of all the foregoing, the Court finds the accused guilty beyond reasonable doubt of the crime of Rape penalized under Article 335 of the Revised Penal Code, and as a consequence of which, this Court hereby sentences him to suffer the mandatory penalty of death and to indemnify the offended party in the amount of P75,000.00 and to pay the costs of the proceedings.

SO ORDERED.^[4]

Owing to the imposition of the death penalty, the case was elevated to the Court for automatic review. Pursuant, however, to the ruling in *People v. Mateo*,^[5] the case was referred to the Court of Appeals for evaluation in a Resolution dated September 7, 2004.^[6]

In his appeal, appellant alleged that -

1. THE TRIAL COURT ERRED IN NOT CONSIDERING THE DEFENSE OF THE ACCUSED THAT WOULD EXCULPATE HIM FROM THE CRIME OF RAPE.

2. THE TRIAL COURT ERRED WHEN IT IMPOSED UPON THE ACCUSED THE MAXIMUM PENALTY OF DEATH.

In its Decision^[7] dated October 19, 2005, the appellate court affirmed the judgment of conviction and, in addition to the P75,000.00 civil indemnity imposed, ordered appellant to pay P50,000.00 as moral damages and P25,000.00 as exemplary damages.

The prosecution's version of the incident narrates that sometime between July 17 and 23, 1999, AAA was playing at the northern portion of xxx Bridge, xxx, Pampanga, when she was taken by appellant and brought to his house, which is about one kilometer away from AAA's residence. While inside the house, appellant took off the clothes of AAA and had sexual intercourse with her.^[8] The victim felt pain and her vagina bled.^[9]

After a complaint was lodged with the barangay and the police authorities, AAA was brought to the Jose B. Lingad Memorial Regional Hospital in San Fernando, Pampanga, where she was examined.^[10] The Medico Legal O.B. Gyne Report indicated multiple superficial healed lacerations.^[11] The victim, who was already six years old when she testified in court,^[12] positively identified the appellant during the trial and testified on the affidavit she executed before the police officers of xxx, Pampanga.^[13]

Appellant's version of the incident is one of denial and alibi. He testified that he was the driver of BBB who lived in Barangay xxx, xxx, Pampanga which is a kilometer away from his place in Sulipan.^[14] Appellant usually leaves his house at 7:00 a.m. and stays at his workplace up to 7:30 p.m. or sometimes even up to 10:00 p.m. when necessary.^[15]

His job was to drive his employer whenever the latter had appointments in Manila.^[16] When BBB had no appointments, he drove a passenger jeepney plying San Fernando, Pampanga and Malolos, Bulacan, a route which passed Sulipan.^[17] On July 17, 1999, appellant drove his employer to the Wheels Motor Shop at E. Rodriguez Avenue, Quezon City leaving Apalit at 9:00 a.m. and returning at 8:30 p.m. On July 18, 1999, appellant left his house at 6:00 a.m. arriving at his workplace at 7:30 a.m. and from there he delivered surplus bumpers to Malinta, Manila.^[18] On July 19, 20, 21 and 22, 1999, appellant plied the San Fernando-Malolos route on board his passenger jeepney.^[19] On July 23, 1999, appellant went to Makati leaving xxx at 10:00 a.m., returning only at 10:00 p.m.^[20]

On July 30, 1999, between 6:30 to 7:30 a.m.,^[21] he was sweeping the ground in front of his house when a white car pulled over.^[22] The vehicle's occupants introduced themselves as police officers and asked him if he was Rene Santos.^[23] Thereafter, he was taken to the police headquarters for questioning. Once they arrived at the headquarters, he was detained and remained in detention up to the time of his trial.^[24]

We have examined the evidence on record and find no cogent reason to disturb the

findings of the trial court and the Court of Appeals. We accord great respect on the findings of the trial court on the credibility of witnesses and their testimonies, for the trial judge observes the behavior and demeanor of the witnesses in court. His evaluation or assessment of the credibility of witnesses and of testimony acquires greater significance in rape cases because from the nature of the offense, the only evidence that can oftentimes be offered to establish the guilt of the accused is the victim's testimony."^[25]

This credibility given by the trial court to the rape victim is an important aspect of evidence which appellate courts can rely on because of its unique opportunity to observe the witnesses, particularly their demeanor, conduct and attitude during the direct and cross-examination by counsel.^[26] It is likewise well established that the testimony of a rape victim is generally given full weight and credit, more so, if she is a 5-year-old child as in this case. The revelation of an innocent child whose chastity has been abused deserves full credit, as her willingness to undergo the trouble and the humiliation of a public trial is an eloquent testament to the truth of her complaint. In so testifying, she could only have been impelled to tell the truth, especially in the absence of proof of ill motive.^[27]

The trial court and the Court of Appeals gave credence to the testimony of AAA who was only six years old when she narrated the sordid details of her ravishment, viz:

FISCAL PINEDA
Questioning

If Rene Santos is inside this courtroom, can you point at him?

WITNESS
Answering

Yes, sir.

Q. Please point at him?

A. There he is, sir.

INTERPRETER

Witness pointed to a person inside the courtroom who [when] asked gave his name as Rene Santos.

Q. Between the period of July 17 to 23, 1999, do you remember where were you?

A. Yes, sir.

Q. Where were you then?

A

Q. You said you know this Rene Santos, why do you know him?

A. **Because he raped me, sir.**

Q. Can you remember when was that?

A. Yes, sir.

Q. When?

WITNESS

Answering

I do not know when, sir.

FISCAL PINEDA

Questioning

Do you recall where?

A. In their house, sir.

Q. And where is that house?

A. In Sulipan, sir.

Q. In Apalit, Pampanga?

A. Yes, sir.

Q. **You said that this Rene Santos raped you, what particular actuations did he do?**

A. **He inserted his penis, sir.**

Q. **Where?**

A. **Here, sir, in my vagina.**

INTERPRETER

Witness pointing to her private organ.

Q. Where did that happen?

A. In their house, sir.

Q. In what portion of his house?

A. Inside their house, sir.

Q. ***You said that Rene Santos inserted his penis into your vagina, what did you feel?***

A. ***I felt pain, sir.***

Q. When he inserted his penis into your vagina did he have any clothings
(sic)?

A . . .

ATTY. VIOLA

Leading, Your Honor.

COURT

Reform the question.

FISCAL PINEDA

Questioning

When he inserted his penis into your vagina, what was his
appearance?

WITNESS

Answering

It was hard, sir.

Q. What was hard?

A. His penis, sir.

COURT

Questioning

Is this Rene Santos inside this courtroom?