

FIRST DIVISION

[G.R. No. 232157, January 08, 2020]

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. NOEL DOLANDOLAN, ACCUSED-APPELLANT.

DECISION

CAGUIOA, J:

Before the Court is an ordinary appeal^[1] filed by accused-appellant Noel Dolandolan (accused-appellant) assailing the November 22, 2016 Decision^[2] of the Court of Appeals (CA) in CA-G.R. CR-HC No. 08128, which affirmed the Decision^[3] dated September 30, 2015 of the Regional Trial Court of XYZ, Zambales, Branch 70 (RTC), in Criminal Case No. RTC-1712-I. The RTC found accused-appellant guilty beyond reasonable doubt of the crime of Rape.

The Facts

The Information^[4] filed against accused-appellant for the rape of AAA^[5] reads:

That on or about the 10th day of February, 1995, at nighttime, Brgy. [NBL], in the municipality of [BLT], Province of Zambales, Philippines, and within the jurisdiction of this Honorable Court, the said accused, by means of force and intimidation and with the use of a sharp pointed instrument, forcibly take, kidnap and deprive [AAA] of her liberty and take her to [NBL, BLT], Zambales, and thereafter at the point of said sharp pointed instrument, did then and there willfully, unlawfully and feloniously have carnal knowledge of said [AAA], a minor of fifteen (15) years old, against her will and consent, to the damage and prejudice of the latter.

CONTRARY TO LAW.^[6]

After his arrest and upon his motion, accused-appellant was released on recognizance of his father on account of his purported minority.^[7] Also, upon motion, the case was remanded to the prosecutor's office for reinvestigation. However, for failure of accused-appellant to file his counter-affidavit, the case was returned to the RTC and the charge against him was maintained.^[8] Later, it was found that accused-appellant was charged with another rape case filed by another minor woman before the City Prosecutor's Office of Olongapo City.^[9] Hence, the Department of Social Welfare and Development prayed for the revocation of his release on recognizance.^[10] When the father of accused-appellant failed to produce accused-appellant despite the RTC's order, a warrant of arrest was issued on November 12, 1998.^[11]

It appears that accused-appellant was only arrested on November 7, 2012.^[12]

Upon arraignment, accused-appellant pleaded not guilty to the crime charged. Thereafter, pre-trial and trial ensued.^[13]

During trial, the prosecution presented: (1) AAA; and (2) Dr. Crizalda Abrigo-Peralta (Dr. Abrigo-Peralta). The CA summarized the version of the prosecution as follows:

x x x On February 10, 1995, when [AAA] was 15 years old, she went with two of her friends to a *peryahan* in [Brgy. RTD, XYZ,] Zambales. When her friends went home, she was left alone in the *peryahan* playing games with bets and promenading when [accused-appellant], an employee of the *peryahan* and who she has not met before, introduced himself to her. During her direct examination, she narrated that [accused-appellant] invited her to his place, and that he talked to her in a pleasant manner and she thought that the intention of [accused-appellant] was just to befriend her. [Accused-appellant] forced her to walk with him for more than an hour to his place at [Brgy. NBL, BLT, Zambales] then brought her to a *sapaan*, or a creek. [Accused-appellant] was holding something which looked like a knife which he pointed at her. [Accused-appellant] then raped her by inserting his private part to her private part. She cried because of too much pain. After that, her parents saw her in the place where it happened and they took her to the police. Thereafter, her mother accompanied her to the hospital because she was traumatized by the incident. She presented a Medico-legal Certificate dated February 13, 1995.

During her cross-examination, she averred that [accused-appellant] was just strolling around the *peryahan* when, without talking to her, he kissed her and forced her to go with him by threatening her with bodily harm. [Accused-appellant] used a weapon which looked like a stick or a ballpen. Although there were many people at the *peryahan*, she did not scream, shout nor do any thing to alarm other people around her because she was already afraid. She could no longer recall at what time they left [RTD] or arrived in [NBL], or for how long and for how far they walked. She likewise did not resist [accused-appellant] while walking to [NBL] because she was taken by fear. She [could not] say if she was taken to a house in [NBL], but they met a few people. She denied being brought to a *sapa* or a creek. She also [could not] say that the alleged attack happened in a house; in fact she [could not] recall in what area she was raped, but it was a vacant lot and it was dark. [Accused-appellant] forced her, kissed her while holding the stick, and then inserted his penis in her private part. It was at the place of [accused-appellant] where her mother found her.

On re-direct examination, private complainant stated that at the time of the incident, she was small and thin, while [accused-appellant] was older and bigger than her.

The prosecution also formally offered private complainant's *Sinumpaang Salaysay* which she executed on February 13, 1995. She narrated therein that on the night of February 10, 1995, while she was on her way to a *sayawan* in [RTD, XYZ,] Zambales, [accused-appellant] pointed a ballpen-like knife at her, dragged her to a field and they passed by [AGH]. [Accused-appellant] then made her ride a tricycle until they

reached [STG, BLT,] Zambales. After that, [accused-appellant] made her walk until they reached a place beside a river in [NBL, BLT,] Zambales where [s]he was raped by [accused-appellant]. [Accused-appellant] held both of private complainant's hands, removed her shorts and panties. He then pulled down his pants and inserted his penis to her private part. Because a ballpen-like knife [was] pointed at her, she just followed [accused-appellant] out of fear. She did not shout while they were riding the tricycle because [accused-appellant] warned her not to shout, otherwise he [would] kill her.

x x x x

Dr. Crizalda Abrigo-Peralta appeared before the RTC and identified the Medico-Legal Certificate dated February 19, 1995 of AAA that she issued. The Medico-Legal Certificate states that there was redness and swelling around the vaginal canal which [could] be caused by trauma, tension and pressure. The vaginal canal was also positive for blood clot, meaning that there was something that entered inside the vaginal canal that caused the bleeding, specially that she was a child. She found the hymen to be intact, and that there was no laceration. Dr. Abrigo-Peralta explained that the hymen's elasticity, especially since the private complainant was young at that time, allowed for slight penetration without causing laceration. In her examination of private complainant, her hymen was intact but inside the vaginal canal, there were blood clots which could indicate that there was rubbing of some foreign object inside.

On cross-examination, Dr. Abrigo-Peralta negated any hematoma or bruises on the body of the private complainant, or any spermatozoa in her vagina. She also stated that the erythema or redness in private complainant's vaginal canal could also be caused by any foreign body like bottles or vibrators.^[14]

On the other hand, the defense presented the sole testimony of accused-appellant, who alleged that:

x x x [I]n 1995, he was 18 years old and residing with his parents and sibling at [Brgy. LPB, BLT,] Zambales. At that time, he was working at a *peryahan* in [Brgy. RTD, XYZ,] Zambales, which was in operation in the place for about two (2) weeks during the fiesta. He courted private complainant for a week before he brought her to his house to introduce [her] to his parents. They left [Brgy. RTD] at about 10 o'clock or 11 o'clock in the evening. At that time, private complainant had not yet accepted him as her boyfriend. He did not know her age. When they reached his house, his parents were awake and he was scolded. Private complainant stayed in their house the whole evening until morning but they did not sleep. [Accused-appellant], his parents and private complainant stayed awake the whole evening just sitting outside their house. His father told him that he [would] bring private complainant home in the morning because her parents might already be looking for her. Between 1995 to 2012 when he was arrested, he claimed to be just in their place in [Brgy. LPB] but he did not receive any notice for him to appear before the [RTC].

His Judicial Affidavit dated June 8, 2015 was also offered as part of his testimony. He narrated therein that he met private complainant at a *peryahan* in [Brgy. RTD, XYZ,] Zambales. He worked at the *peryahan* while private complainant [was] a bettor who had been playing at the *peryahan* for about a week. Two days after he saw her, [accused-appellant] asked private complainant if he could court her, to which she acceded. Almost a week later, or on February 10, 1995, he asked her if she wanted to come with him to his place to meet his father. Private complainant agreed. Private complainant waited for [accused-appellant] until the *peryahan* closed around 11 o'clock PM or 12 o'clock midnight. x x x [Accused-appellant] woke his parents, but only his father woke up. He told his father that there was a girl from [Brgy. RTD] with him. His father scolded him and told him that the girl's parents would surely look for her. His father sat in front of [accused-appellant] and private complainant and watched them until morning. His father told private complainant to go home in the morning because her parents would look for her. Nothing happened between [accused-appellant] and private complainant because his father was watching them. The following day, private complainant asked if there [was] a river where she could take a bath. [Accused-appellant] then took her to a nearby falls about 30 meters away, accompanied by his younger brother and they swam. After only five minutes in the water, people arrived and invited them to the barangay but [accused-appellant] was taken to the police station at the Municipal Hall of [XYZ]. The police told him that he was being charged with rape. x x x [15]

Ruling of the RTC

In its Decision^[16] dated September 30, 2015, the RTC convicted accused-appellant of the crime of Rape. The dispositive portion of the said Decision stated:

WHEREFORE, foregoing considered, the Com1 finds Noel Dolandolan GUILTY beyond reasonable doubt of the crime of Rape and is sentenced to suffer the penalty of *Reclusion Perpetua* without eligibility for parole and is ordered to pay Php50,000.00 as moral damages, Php50,000.00 as civil indemnity and Php20,000.00 as exemplary damages.

SO ORDERED.^[17]

The RTC held that although the prosecution failed to establish the crime of Kidnapping, it successfully proved the crime of Rape through force and intimidation.^[18]

While there were contradictions in AAA's written statement in relation to her testimony, the RTC held that said variance did not alter the essential fact that AAA was raped. Further, the claim of rape was supported by the medical records, which accused-appellant failed to sufficiently refute.^[19]

Finally, the RTC held that while the defense presented a certificate of live birth stating that accused-appellant was born on May 29, 1978, another certification was issued indicating that accused-appellant was actually born on September 15, 1972 and as such, was already 23 years old at the time of the commission of the crime.^[20]

Aggrieved, accused-appellant appealed to the CA.

Ruling of the CA

The CA affirmed the RTC's Decision but increased the award of exemplary damages to P30,000.00.^[21] The CA held that although there were glaring inconsistencies between AAA's *Sinumpaang Salaysay* and her open court testimony, AAA never wavered in her claim that accused-appellant inserted his private part into her private part after pointing a ballpen-like knife at her.^[22] Further, the CA held that the inconsistencies in AAA's testimony (1) referred only to inconsequential matters and (2) were justified, considering that 18 long years had lapsed between the time the incident occurred and the time AAA was presented in court.^[23]

Hence, the instant appeal.

Issue

Whether the RTC and the CA erred in convicting accused-appellant of the crime of Rape.

The Court's Ruling

The Court finds merit in the appeal. The prosecution failed to prove the guilt of accused-appellant beyond reasonable doubt.

In *People v. Salidaga*,^[24] the Court explained:

It is inherent in the crime of rape that the conviction of an accused invariably depends upon the **credibility of the victim** as she is oftentimes the sole witness to the dastardly act. Thus, the rule is that when a woman claims that she has been raped, she says in effect all that is necessary to show that rape has been committed and that if her testimony meets the crucible test of credibility, the accused may be convicted on the basis thereof. However, the courts are not bound to treat the testimony of the victim as gospel truth. **Judges a re duty-bound to subject her testimony to the most rigid and careful scrutiny lest vital details which could affect the outcome of the case be overlooked or cast aside.**^[25]

The Court has held that "when the issue is the credibility of witnesses and of their testimonies, the trial court is generally deemed to have been in a better position to observe their deportment and manner of testifying during the trial."^[26] However, appellate courts may review the factual findings of the trial court when the lower court overlooked certain facts of substance and value^[27] or when the lower court's findings of fact are contradicted by evidence on record.^[28]

In *People v. Bermas*,^[29] the Court discussed the peculiar nature of Rape charges in this wise:

x x x [I]n rape cases, the accused may be convicted on the basis of the lone, uncorroborated testimony of the rape victim, provided that her testimony is **clear, convincing, and otherwise consistent with human nature**. This is a matter best assigned to the trial court which