

THIRD DIVISION

[G.R. No. 240421, November 16, 2020]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
LORETO TALMESA * Y BAGAN, ACCUSED-APPELLANT.**

D E C I S I O N

INTING, J.:

This is an appeal^[1] from the Decision^[2] dated April 26, 2018 of the Court of Appeals (CA) in CA-G.R. CR-HC No. 01666-MIN. The assailed CA Decision affirmed the Decision^[3] dated January 17, 2017 of Branch 26, Regional Trial Court (RTC), Surallah, South Cotabato finding Loreto Talmesa y Bagan (accused-appellant) guilty beyond reasonable doubt of the crime of Rape under paragraph 1, Article 266-A in relation to Article 266-B of the Revised Penal Code (RPC), as amended by Republic Act No. (RA) 8353.^[4]

The Antecedents

This case stemmed from an Information^[5] filed before the RTC charging accused-appellant with Rape under paragraph 1, Article 266-A of the RPC, as amended, to wit:

That on or about the 21st day of December 2011, at around 10:30 o'clock in the evening, in [REDACTED], Province of South Cotabato, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, did then and there wilfully, unlawfully and feloniously, by means of force and violence, have carnal knowledge of the herein victim, [AAA],^[6] then seventeen (17) years old, against her will and without her consent.

CONTRARY TO LAW.^[7]

Accused-appellant, with the assistance of his counsel, pleaded not guilty to the charge.^[8] Trial on the merits ensued.

The prosecution presented as witnesses the following: (1) AAA, the minor victim; (2) BBB, AAA's uncle; (3) Police Officer III Ronald Garcia, the investigator assigned to the case; and (4) Dr. Mila G. Quinton, MD (Dr. Quinton), the physician who examined AAA after the rape incident.^[9]

AAA was 17 years old at the time of the rape incident. Accused-appellant and AAA reside in the same *barangay*. AAA is very familiar with accused-appellant because she would see him every time she goes to work.^[10]

According to AAA, on December 21, 2011, at around 8:00 p.m. to 9:00 p.m., she was at the shed of [REDACTED] waiting for her father to fetch her. Accused-appellant asked AAA who she was waiting for; she replied that she was waiting for her father. Accused-appellant then left. As AAA's father did not arrive and it was already 10:30 p.m., AAA decided to go home. While she was walking on her way home, a person suddenly covered her mouth and pulled her from behind. She immediately turned to see the person and saw accused-appellant's face through the light coming from her cellphone that she held above her head. While accused-appellant was holding her, AAA struggled to free herself. Accused-appellant dragged her towards the middle of the rice field. As accused-appellant was much bigger, AAA struggled to free herself from accused-appellant, causing her to fall. While she was lying on the muddy ground, accused-appellant sat on her knees and repeatedly punched her on the face and lower parts of her body. AAA tried to evade the blows by covering her face, but she could not do anything.^[11]

Thereafter, accused-appellant forcibly removed AAA's pants and underwear and tried to kiss her. AAA evaded accused-appellant's attempts and pushed his head away from her. Accused-appellant, who was naked at that time, spread AAA's legs and inserted a part of his penis into her vagina. AAA kept on kicking accused-appellant causing his penis to be removed from her vagina. This enraged accused-appellant. He punched her on her stomach, abdomen, head, and neck several times. AAA retaliated by biting accused-appellant's hand. She also shouted for help. Accused-appellant punched her again on the head and abdomen until she nearly lost consciousness. Then, AAA heard a motorcycle approaching the rice field making accused-appellant to run away from the scene. AAA slowly crawled her way out from the muddy rice field towards the road and asked for help. Upon reaching the road, AAA saw the motorcycle. She waved her hand and shouted for help. The persons on board the motorcycle saw her and helped her. BBB was one of the three persons on board the motorcycle. After asking AAA what happened to her, BBB gave his shawl to her to cover the lower part of her naked body. In no time, BBB brought AAA to the police station and thereafter to the hospital for treatment.^[12]

Dr. Quinton, the attending physician of AAA, testified that on December 22, 2011, AAA was brought to the hospital shivering, wearing a blouse, but no lower clothes. When she examined AAA, she found the following: (1) multiple abrasions in AAA's neck and face; (2) contusion on the upper lip; (3) hemorrhages on both eyes; (4) contused abrasion on her upper *labia minora*; and (4) fresh lacerated wound in the hymen.^[13]

For his part, accused-appellant denied the allegations against him. He claimed that at around 6:00 p.m. of December 21, 2011, after having dinner with his wife and one Jose Regidor, he drank half a bottle of Tanduay and went to sleep at 9:00 that evening. At around 6:00 a.m. the following day, while drinking his coffee, four police officers approached and asked him whether he noticed something odd the previous night. Accused-appellant told them that the dogs were barking that night. The police officers invited him to the police station to get his statements. He agreed and freely went with the police officers. However, he was instead brought to a hospital where he was presented before AAA who was asked whether he was the one who raped her. AAA just looked at him and sat down. AAA did not point to him as the one who raped her. The police officers told accused-appellant to board the patrol car and that they would go home. However, he was not brought home, but to the police station

where one of the police officers pushed him inside the jail. Upon the instruction of a police officer, the detainees inside mauled him.^[14]

The RTC Ruling

In the Decision^[15] dated January 17, 2017, the RTC found accused-appellant guilty beyond reasonable doubt of the crime of Rape as defined in paragraph 1(a), Article 266-A of the RPC, as amended. The RTC sentenced him to suffer the penalty of *reclusion perpetua*, and ordered him to pay AAA P50,000.00 as civil indemnity.

Accused-appellant appealed to the CA.

The CA Ruling

On April 26, 2018, the CA affirmed *in toto* the RTC ruling.

Hence, the instant appeal.

The parties adopted their respective Appellant's and Appellee's Briefs filed before the CA as their respective Supplemental Briefs before the Court. ^[16]

In his appeal, accused-appellant raised the following grounds questioning his conviction before the lower courts:

1. He was unlawfully arrested without a warrant;
2. He was not positively identified by AAA; and
3. AAA's statements were peppered with inconsistencies which when considered would have changed the judgment of the RTC.

The Court's Ruling

The appeal has no merit.

Well settled is the rule that the matter of ascribing substance to the testimonies of witnesses is best discharged by the trial court, and the appellate courts will not generally disturb the findings of the trial court in this respect.^[17] Findings of the trial court which are factual in nature and which involve the credibility of witnesses are accorded with respect, if not finality by the appellate court, when no glaring errors, gross misapprehension of facts, and speculative, arbitrary, and unsupported conclusions can be gathered from such findings.^[18] The reason is quite simple: the trial judge is in a better position to ascertain the conflicting testimonies of witnesses after having heard them and observed their deportment and mode of testifying during the trial.^[19] The task of taking on the issue of credibility is a function properly lodged with the trial court.^[20] Thus, generally, the Court will not reexamine or reevaluate evidence that had been analyzed and ruled upon by the trial court.

After a judicious perusal of the records of the instant appeal, the Court finds no compelling reason to depart from the uniform factual findings of the RTC and the CA. The Court affirms accused-appellant's conviction.

All the elements of the crime of rape are present.

Accused-appellant is indicted for rape under paragraph 1, Article 266-A of the RPC, as amended, which provides as follows:

Article 266-A. *Rape: When And How 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;

b) When the offended party is deprived of reason or otherwise unconscious;

c) By means of fraudulent machination or grave abuse of authority;

x x x

Under paragraph 1(a), Article 266-A, the elements of rape are: (1) that the offender had carnal knowledge of a woman; and (2) that such act was accomplished through force, threat, or intimidation.^[21] Here, the prosecution had established beyond moral certainty these elements.

AAA categorically asserted that accused-appellant inserted part of his penis into her vagina.^[22] Evidence further reveals that accused-appellant employed force to satisfy his lust as evinced by the following: AAA vividly recalled that accused-appellant dragged her towards the middle of the rice field^[23] and while she was on the ground, accused-appellant punched her on her face, head, neck, abdomen, and lower parts of her body.^[24] Her statements were corroborated by the medical findings of Dr. Quinton, who testified that AAA suffered multiple abrasions on her face and neck; contusions on her upper lip, nose and left cheek; and conjunctival hemorrhage in both eyes.^[25]

The identity of accused-appellant was proven beyond reasonable doubt.

AAA positively identified accused-appellant as her assailant; thus:

Direct Examination by Fiscal Jesse S. Villegas:

Q You know this person personally ?

A Yes, sir. He is only known as Boyax. I do not know his complete name at that time.^[26]

x x x x

Q How were you able to recognize the identity of the person who raped you at that time because it was dark?

A That time I was bringing with me my cell phone.

Q What is the connection of your having a cell phone to your testimony that you were able to recognize the identity of the person?

A Earlier we had a talk at the waiting shed and I was raising my cell phone on top of my head, and the light of that cell phone illuminated him, that is why I was able to recognize him.

Q That was at the waiting shed?

A Yes, sir. [27]

x x x x

Q: Did you tell him who was that person who raped you?

A: Yes, sir.

Q: Who was that person that you told him who raped you?

A: Boyax. [28]

Cross-Examination by Atty. Fermin D. Ondoy:

Q: You just presumed that the person you met at the waiting shed was the same person who grabbed you from behind?

A: No, sir, because I already saw him at the waiting shed and when the incident happened, I also saw him.

Q: At what point did you actually see him during the incident?

A: After he covered by mouth, I turned my head towards him.

Q: According to you, when that person grabbed you from behind, you could not move?

A: Yes, sir, that was my answer earlier.

Q: And when he grabbed you, your cell phone fell?

A: It did not as I was still holding it.

Q: You mean to say, while at the rice field you still had your cell phone at that time?