

FIRST DIVISION

[G.R. No. 232455, December 02, 2020]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
TEODORO ANSANO Y CALLEJA, ACCUSED-APPELLANT.**

DECISION

CAGUIOA, J:

Before this Court is an ordinary appeal^[1] filed by the accused-appellant Teodoro Ansano y Calleja (Ansano) assailing the Decision^[2] dated February 20, 2017 of the Court of Appeals (CA) in CA-G.R. CR-HC No. 08223, which affirmed the Decision^[3] dated November 16, 2015 of the Regional Trial Court of YYY, ZZZ^[4], Branch 26 (RTC) in Criminal Case No. SC-12326, finding Ansano guilty beyond reasonable doubt of rape.

The Facts

An Information was filed against Ansano for the rape of minor AAA,^[5] which read:

That on or about April 6, 2005, in the Municipality of [XXX], Province of [ZZZ] and within the jurisdiction of this Honorable Court, the above-named accused, while conveniently armed and provided with a bolo, with lewd design and with force and intimidation, did then and there [willfully], unlawfully and feloniously have carnal knowledge of one [AAA], a minor who at the time was only fifteen (15) years of age, against her will and consent, the act of the accused being prejudicial to the psychological development of the said minor.

CONTRARY TO LAW.^[6]

Upon arraignment, Ansano entered a plea of not guilty. Pre-trial and trial on the merits then ensued.

The version of the prosecution, as summarized by the trial court and affirmed by the CA, is as follows:

The complaining witness is AAA, 15 years old, student and a resident of XXX. She testified that she filed this case of rape against accused Teodoro Ansano, whom she pointed to and identified in open court. She stated that she did not know him at first, but when she went to the Municipal Building, she came to know him because of his niece who is her friend. On April 6, 2005, at about 5:00 o'clock in the afternoon, she was going to fetch her father at Narra, where he was then selling goods at the river. This was at [GGG]^[7] near the river. Accused Ansano was then carrying a bolo, wearing a long-sleeved shirt and long pants used in the

farm; while she was wearing red t-shirt and school uniform skirt. Ansano poked his bolo at her and told her to go with him to the falls near the Narra tree. Because she was afraid and he threatened to kill her if she does not go with him, she went along. When they were nearing the falls, he turned the other way. He held her tightly by the shoulder, dragged her to a secluded area with bamboo trees and coconuts and told her to sit down and not to shout, still poking the bolo at her. He then removed his clothes, undressed her, laid her down, kissed her neck and placed his penis into her mouth. She cried very hard and vomited at that time. Thereafter, accused inserted his penis into her vagina. It was painful. Accused rested for a while, and then did it again. Thereafter, accused put on his clothes and directed her to remain lying down until he left the place. He also told her not to tell anyone about the incident because he knew her and her parents, he knew what time she went to church, what time she went to bed and that she was always with her cousin. He then left and proceeded to the direction going to Narra. After he left, she put on her clothes and went home. She proceeded to bed and cried. Her mother asked her why she was crying and she told her that she was raped. She could hardly speak because she was still crying. Her father went to the place of the incident but the person who abused her was no longer there, so her father reported the incident to the police station.

She came to know the name and identity of the accused on March 19, 2006 at 8:00 o'clock in the evening, when she saw him in their house having a drinking spree with her father. She was able to recognize him ("namumukhaan"); he has a scar and "butil-butil" on his face; he has a moustache and "medyo singkit". She came to know his name for the first time when she went to the XXX Municipal Hall, where accused was detained because of the case filed by BBB. She was shown a picture of the accused, which she examined clearly, and she was sure that he was the one who raped her.

Because she was raped, she went to [ZZZ] Provincial Hospital for a medical examination. At the time of the incident on April 6, 2005, she was [just] thirteen (13) years old. She presented her Certificate of Baptism issued by Santo Cristo of Bulacan, Valenzuela, Metro Manila, showing that she was born on September 14, 1991 and baptized on September 25, 1991. She does not have a Certificate of Live Birth, as her birth was not registered because the midwife who attended to the delivery of her mother went abroad.

Upon cross-examination, she stated that she had been residing in XXX, since the year 2005, and that she had not known the accused, even by face, before April 6, 2005. She came to know him through BBB who was then living in their house, when accused had a drinking spree with her father on March 19, 2006.

x x x x

The next prosecution witness was Dr. Maria Cheryl Obcemea x x x [and] [h]er qualification as an expert witness was admitted by the defense. She testified that according to their records, she examined the patient AAA on

April 7, 2005 at [ZZZ] Provincial Hospital. She was the one who physically examined AAA and her findings was reduced into writing in a Medico-Legal Report. Said findings indicate "Perineum: hymen-multiple fresh laceration 7 and 5 o'clock position; minimal bleeding."^[8]

On the other hand, the accused relied on denial and alibi to establish his innocence. The version of the defense was summarized by the RTC, again as affirmed by the CA, as follows:

The defense presented accused himself, Teodoro Calleja Ansano, 45 years old, single, slipper maker and residing at XXX. He stated that he does not personally know AAA. On April 6, 2005, at around 5:00 o'clock in the afternoon, he was at Villa Pokan with his friends Rudy Monfero, Albert Concordia and Nick Esmejarda. They arrived at 4:00 o'clock in the afternoon at Villa Pokan to go swimming there and left at around 5:00 o'clock. They went home going their separate ways: Rudy and Albert to Ilayang Taykin, Nick to Poblacion and he (Ansano) to XXX. Upon reaching his house, he immediately went to sleep and woke up the next morning, April 7 at around 6:00 o'clock. On his way home to XXX, he did not meet AAA, nor did he poke a bolo on her neck and rape her.

The Court noted the manifestation of defense counsel that Ansano has no scar on his face at the time he testified in court.

When cross-examined, he stated that he does not know AAA and her father CCC; that he came to know in court that their house is more or less one kilometer away from his house; that on April 6, 2005, he and his friends Rudy, Albert and Nick left at around 5:00 o'clock in the afternoon; that [Villa Pokan] is more or less one kilometer away from his house; that upon reaching his house, he immediately went to sleep and woke up the following day.^[9]

Ruling of the RTC

After trial on the merits, in its Decision^[10] dated November 16, 2015, the RTC convicted Ansano of the crime charged. The dispositive portion of the said Decision reads:

WHEREFORE, this court finds accused Teodoro Ansano y Calleja GUILTY beyond reasonable doubt of the crime of Rape, defined and penalized under Article 266-A of the Revised Penal Code, as amended by Republic Act No. 8353 or the Rape Law of 1997. Thus, he is sentenced to suffer the penalty of RECLUSION PERPETUA. In addition thereto, he is ordered to pay AAA the sum of Fifty Thousand Pesos (P50,000.00) as civil indemnity, Fifty Thousand Pesos (P50,000.00) by way of moral damages, and Thirty Thousand Pesos (P30,000.00) as exemplary damages.

SO ORDERED.^[11]

The RTC was convinced by the testimony of AAA identifying Ansano as the one who sexually abused her. It found such testimony to be clear, consistent, spontaneous, and unrelenting, thus establishing that it was Ansano who sexually abused her on

April 6, 2005. The RTC likewise found her testimony to be corroborated through the testimony of the medico-legal who conducted a medical examination on AAA. Thus, as between her credible testimony and Ansano's bare denial, the RTC ruled that the evidence at hand established Ansano's guilt beyond reasonable doubt.

Aggrieved, Ansano appealed to the CA.^[12]

Ruling of the CA

In the questioned Decision^[13] dated February 20, 2017, the CA affirmed Ansano's conviction, and held that the prosecution was able to sufficiently prove the elements of the crime charged. The dispositive portion of the Decision reads:

WHEREFORE, the appeal is **DENIED**. The Judgment dated November 16, 2015 of the Regional Trial Court, 4th Judicial Region, Branch 26, [XXX], [ZZZ], in Criminal Case No. SC-12326 finding accused-appellant **TEODORO ANSANO y CALLEJA GUILTY** beyond reasonable doubt of rape, is hereby **AFFIRMED**, with **MODIFICATION**. The Court sentences accused-appellant to suffer the penalty of *reclusion perpetua* without eligibility for parole and to pay AAA the amount of Php75,000.00 as civil indemnity, Php75,000.00 as moral damages, and another Php75,000.00 as exemplary damages, all with interest at the rate of six percent (6%) *per annum* from the finality of this Decision until fully paid.

SO ORDERED.^[14]

The CA noted that AAA's testimony was clear, consistent, and spontaneous, and that she positively identified Ansano as the perpetrator.^[15] Moreover, her claim that she was assaulted was supported by the medico-legal examination, which found multiple fresh lacerations on her hymen. The CA held that there was therefore no doubt that AAA was indeed assaulted.

As to the identification of Ansano as the perpetrator of the crime, the CA explained:

The alleged inconsistency of AAA's testimony with regard to the time she first saw the accused-appellant face to face only on March 19, 2006 was properly explained during her re-direct examination. Again, there is no inconsistency as to having known accused-appellant's name only on May 15, 2006. That is different from having to see the accused-appellant again for the first time on March 19, 2006 after the rape incident that occurred on April 6, 2005.

Accused-appellant's claim of the absence of scar on his face may be true. However, AAA also identified accused-appellant through his other physical features such as, "*butil-butil sa mukha*," "*medyo singkit*," and his moustache. In this case, AAA consistently testified that she was able to see and recognize accused-appellant as her rapist.^[16]

Finally, the CA also ruled that Ansano's alibi cannot be given probative value, as AAA's positive identification, which was clear and credible, has destroyed Ansano's alibi which, in turn, was unsupported by evidence. The CA thus affirmed Ansano's conviction.

Hence, the instant appeal.

Issue

Proceeding from the foregoing, for resolution of this Court is the issue of whether the RTC and the CA erred in convicting the accused-appellant.

The Court's Ruling

The appeal is meritorious. The Court acquits Ansano on the ground of reasonable doubt.

At the outset, it bears emphasis that "the Court, in the course of its review of criminal cases elevated to it, still commences its analysis from the fundamental principle that the accused before it is presumed innocent."^[17] This presumption continues although the accused had been convicted in the trial court, as long as such conviction is still pending appeal. As the Court explained in *Polangcos v. People*:^[18]

Article III, Section 14 (2) of the 1987 Constitution provides that every accused is presumed innocent unless his guilt is proven beyond reasonable doubt. It is "a basic constitutional principle, fleshed out by procedural rules which place on the prosecution the burden of proving that an accused is guilty of the offense charged by proof beyond reasonable doubt. Corollary thereto, conviction must rest on the strength of the prosecution's evidence and not on the weakness of the defense."

This presumption in favor of the accused remains until the judgment of conviction becomes final and executory. Borrowing the words of the Court in *Mangubat, et al. v. Sandiganbayan, et al*, "[u]ntil a promulgation of final conviction is made, this constitutional mandate prevails." **Hence, even if a judgment of conviction exists, as long as the same remains pending appeal, the accused is still presumed to be innocent until his guilt is proved beyond reasonable doubt.** Thus, in *People v. Mingming*, the Court outlined what the prosecution must do to hurdle the presumption and secure a conviction:

First, the accused enjoys the constitutional presumption of innocence until final conviction; conviction requires no less than evidence sufficient to arrive at a moral certainty of guilt, not only with respect to the existence of a crime, but, more importantly, of the identity of the accused as the author of the crime.

Second, the prosecution's case must rise and fall on its own merits and cannot draw its strength from the weakness of the defense.^[19] (Emphasis supplied)

Corollary to such principle, the Court has also laid down the following guidelines in its review of rape cases: