

THIRD DIVISION

[G.R. No. 234951, January 28, 2019]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, V.
BENJAMIN A. ELIMANCIL, ACCUSED-APPELLANT.**

DECISION

PERALTA, J.:

This is to resolve the appeal of appellant Benjamin A. Elimancil that seeks to reverse and set aside the Decision^[1] dated July 14, 2017 of the Court of Appeals (CA) in CA-G.R. CR-HC No. 07588, affirming the Decision^[2] dated May 20, 2015 of the Regional Trial Court (RTC), >xxxxxxxxxxxxxxxxxxxx, Bataan, finding appellant guilty beyond reasonable doubt of Simple Rape under Article 266-A, par. 1 of the Revised Penal Code (RPC).

The facts follow.

AAA,^[3] the victim, was alone inside her boarding house in Mariveles, Bataan on the night of August 14, 2000 because her board-mate, >xxxxxxxxxxxxxxxxxxxx, was out visiting friends. AAA then fell asleep with the lights on after she cleaned the house and waited for Agnes.

Later, around 11:30 p.m., AAA felt someone lie beside her and she was immediately awakened. She saw appellant, Benjamin Elimancil, poking a knife on her left side. She knew Benjamin because both of them grew up in >xxxxxxxxxxxx, Bataan, and was a friend of her brother.

Thereafter, Benjamin pulled down AAA's pajama and panty while still poking the knife at her. AAA tried to resist, but all she could do was cry because appellant was still holding the knife. Appellant proceeded to remove his pants and underwear and placed himself on top of her. Afterwards, he forced his penis in AAA's vagina and made a push-and-pull movement for more than one minute. AAA felt pain and cried until she felt a hot liquid come out from appellant's penis. When AAA looked down, she saw blood in her vagina. Before appellant left, he told AAA not to mention to anybody what transpired between them or something bad would happen to her.

AAA remained at her boarding house and cried until her board-mate Agnes arrived past midnight. AAA told Agnes what transpired and on the following day, AAA went to her hometown in >xxxxxxxxxxxx, Bataan and also told her parents what happened.

The father of AAA immediately went to the Mariveles Police Station and asked assistance from the authorities to look for appellant. The policemen found appellant

in Mariveles, Bataan and the latter promised to go to AAA's parents' house in>xxxxxxxxxxxx, Bataan, but did not do so.

On August 17, 2000, AAA went to the Bataan Provincial Hospital and was examined by Dr. Neriza A. Paguio. AAA's examination yielded the following medico-legal findings:

Pertinent Physical Findings:

- Patient is conscious, coherent, ambulatory

Breast – globularly enlarged with brownish aerola and overt nipples

Axilla – (-) axillary hair flat

Genitalia – well distributed pubic hair

Labia majora and minora closely apposed

(+) superficial healed lacerations at 1, 4, 6, 7, 9, 10 o'clock position.

Hence, an Information was filed against appellant for the crime of Rape which reads as follows:

That on or about 14 August 2000, in >xxxxxxxxxxxx, Bataan, Philippines, and within the jurisdiction of this Honorable Court, the said accused, by means of force, threat, and intimidation, armed with a bladed weapon, did then and there willfully, unlawfully, and feloniously lie and succeed in having sexual intercourse with AAA, against her will and consent, to her damage and prejudice.

CONTRARY TO LAW.

Appellant pleaded not guilty during his arraignment, thus, trial on the merits ensued.

Appellant denied raping AAA. According to him, AAA invited him at her boarding house for a birthday party. When appellant arrived, he saw five women, including AAA and her board-mate, Agnes Dacuro. Appellant slept over, while the other three left the boarding house. The following day, appellant claimed that AAA and Agnes went to their respective jobs. He added that it was impossible for him to sexually assault AAA, considering that the occupant of the adjacent room, Joel Malate, could have easily heard any commotion.

The RTC, on May 20, 2015, rendered its Judgment and found appellant guilty beyond reasonable doubt of the crime of Rape. The dispositive portion of the decision reads as follows:

WHEREFORE, this Court finds accused BENJAMIN A. ELIMANCIL guilty beyond reasonable doubt of the crime of Rape under Article 266-A, paragraph 1 of the Revised Penal Code and there being an aggravating circumstance of the use [sic] a deadly weapon, a bladed weapon in the commission of the offense without the presence of any mitigating circumstance to offset the same, the Court hereby sentences said

accused BENJAMIN A. ELIMANCIL to suffer the penalty of reclusion perpetua without eligibility for parole.

In addition, accused BENJAMIN A. ELIMANCIL is hereby ordered to pay the victim "AAA" the amount of Seventy-Five Thousand Pesos (P75,000.00) as civil indemnity, Seventy-Five Thousand Pesos (P75,000.00) as moral damages and the amount of Thirty Thousand Pesos (P30,000.00) as exemplary damages.

SO ORDERED.^[4]

The RTC, aside from ruling that the elements of the crime of rape was proven beyond reasonable doubt, also held that appellant was not able to present any proof as to the ill motives of AAA.

Thus, appellant elevated the case to the CA, and the latter, on July 14, 2017, promulgated its Decision affirming the decision of the RTC, the dispositive portion of which reads:

WHEREFORE, in the light of the foregoing premises, the instant APPEAL is hereby DENIED and the Decision dated May 20, 2015 in Criminal Case No. ML-1731 of the Regional Trial Court of >xxxxxxxxxxxx, Bataan is hereby AFFIRMED.

SO ORDERED.^[5]

The CA, in affirming the Decision of the RTC, also ruled that the medico-legal findings are consistent with the claim of the victim AAA that she was raped and that her straightforward, positive, and spontaneous testimony prevails over appellant's surmises.

Hence, the present appeal.

The appeal is unmeritorious.

In reviewing rape cases, this Court has constantly been guided by three principles, to wit: (1) an accusation of rape can be made with facility; it is difficult to prove but more difficult for the person accused, though innocent, to disprove; (2) in view of the intrinsic nature of the crime of rape where only two persons are usually involved, the testimony of the complainant must be scrutinized with extreme caution; and (3) the evidence for the prosecution must stand or fall on its own merits and cannot draw strength from the weakness of the evidence for the defense. And as a result of these guiding principles, credibility of the complainant becomes the single most important issue. If the testimony of the victim is credible, convincing and consistent with human nature, and the normal course of things, the accused may be convicted solely on the basis thereof.^[6]

The determination of the credibility of the offended party's testimony is a most basic consideration in every prosecution for rape, for the lone testimony of the victim, if credible, is sufficient to sustain the verdict of conviction.^[7] As in most rape cases, the ultimate issue in this case is credibility. In this regard, when the issue is one of credibility of witnesses, appellate courts will generally not disturb the findings of the trial court, considering that the latter is in a better position to decide the question as

it heard the witnesses themselves and observed their deportment and manner of testifying during trial.^[8] The exceptions to the rule are when such evaluation was reached arbitrarily, or when the trial court overlooked, misunderstood or misapplied some facts or circumstance of weight and substance which could affect the result of the case.^[9] In the present case, the said circumstances are not present, thus, it does not warrant an exception to the coverage of the rule.

A review of the testimony of AAA would clearly show its consistency and straightforwardness, a matter which the trial court correctly appreciated, thus:

FISCAL VELASCO:

Q What was that unusual incident that happened that you remember?

A On August 14, 2000, sir, I was sleeping in my boarding house. I was awoken (sic) when I felt somebody lied beside me.

Q And when you felt somebody lied beside you, what did you do?

A I woke up sir, and when I was surprised when he poked a knife on my side.

Q And who was this person who lied beside you and who poked a knife on your left side?

A Benjamin Elimancil, sir.

Q And why did you say that it was Benjamin Elimancil who lied beside you and poked a knife on you?

A Because we have a light on then (sic), sir, and I know him.

Q How long have you known Benjamin Elimancil?

A I knew him, sir, because he is a [friend] of my brother and we both live in the same place.

Q And when you felt a knife on your side and the accused Benjamin Elimancil besides (sic) you, what happened next?

A He told me not to shout, sir or else something bad will happen to me.

Q And after saying those things, what happened next?

A He forcibly removed my pajama and my panty, sir.

Q Was he able to pull your pajama and your panty down?

A Yes, sir.

Q Up to where was your panty and your pajama pulled down?

A Middle of my legs, sir.

Q And when he was able to pull down your panty and your pajama, what did Benjamin Elimancil do?

A He removed his pants and his brief, sir.

Q And after removing his pants and brief, what else did he do, if any?

A He lied on top of me, sir. I cannot fight him because he was poking a knife on my side. I was so afraid that I just cried.

x x x x