

THIRD DIVISION

[G.R. No. 215202, March 14, 2018]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, V.
VILLARIN CLEMENO, ACCUSED-APPELLANT.**

R E S O L U T I O N

MARTIRES, J.:

Before this Court is an Appeal filed by accused-appellant Villarín Clemeno (*accused-appellant*) assailing the Decision^[1] dated 26 November 2012 of the Court of Appeals (CA) in CA-G.R. CR HC No. 04792.

The CA affirmed the decision of the Regional Trial Court (RTC) in Criminal Case No. 14007 and No. 14008, finding accused-appellant guilty beyond reasonable doubt of two counts of rape, defined and penalized under Article 266-A, par. 1, in relation to Article 266-B of the Revised Penal Code (RPC), committed against AAA.^[2]

In Criminal Case No. 14007, accused-appellant was charged as follows:

That [on] or about June 2003 at night at Brgy. [XXX], [XXX] City, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, motivated by lust and lewd designs, through force and intimidation, did then and there wilfully, unlawfully and feloniously have carnal knowledge on one [AAA], against the latter's will.

That the aggravating circumstance of relationship, the victim being the daughter of the accused, is attendant in the commission of the offense.

[3]

In Criminal Case No. 14008, accused-appellant was charged as follows:

That [on] or about June 2004 at night at Brgy. [XXX], [XXX] City, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, motivated by lust and lewd designs, through force and intimidation, did then and there wilfully, unlawfully and feloniously have carnal knowledge on one [AAA], against the latter's will.

That the aggravating circumstance of relationship, the victim being the daughter of the accused, is attendant in the commission of the offense.

[4]

Upon arraignment, accused-appellant pleaded not guilty of the crimes charged.

Version of the prosecution

The prosecution presented the testimonies of AAA, social worker Charity Nuñez (*Nuñez*), and forensic chemist Aida R. Viloría-Magsipoc (*Viloría-Magsipoc*).

AAA narrated that accused-appellant, her father, used to beat her and her siblings, sometimes chasing them with a bolo. Sometime in June 2003, at around 11:00 o'clock in the evening, AAA was sleeping on the bed while her two siblings slept on the floor. She was awakened when accused-appellant suddenly laid on top of her. Accused-appellant was able to remove AAA's shorts and panties despite her resistance. AAA tried to push him away with her hands, but accused-appellant overpowered her. AAA was afraid to do anything because she was afraid of him.^[5]

Accused-appellant held AAA's hands, parted her legs, and inserted his penis into her vagina. Thereafter, accused-appellant threatened to kill the whole family if she reported the incident. AAA's mother was not around at the time because she was working as her sister's housemaid in San Juan, Batangas. AAA kept silent about the ordeal because she believed her father was capable of carrying out his threat.^[6]

The same incident occurred in June 2004, when accused-appellant woke up AAA, laid on top of her, and made a push and pull motion, which caused AAA great pain. Because of this incident, AAA became pregnant and subsequently gave birth to a baby boy on 6 April 2005.^[7]

AAA then revealed to her mother her ordeal with accused-appellant. Thereafter, a social worker, Nuñez, visited the house of AAA after receiving a call regarding the rape incident. Nuñez invited AAA to undergo a medical examination at the Batangas Regional Hospital.^[8] Dr. Rex B. Rivamonte (*Dr. Rivamonte*), who conducted a physical examination on AAA, concluded in his medico-legal certification that she had recently given birth because her uterus was still enlarged.^[9]

Viloria-Magsipoc, Forensic Chemist III of the DNA Analysis Laboratory of the National Bureau of Investigation, conducted two DNA tests to determine the filiation of AAA's child. The tests confirmed a 99.999999% probability that accused-appellant was the biological father of AAA's child.^[10]

Version of the defense

The defense presented accused-appellant as sole witness.

Accused-appellant denied the charges against him. He contended that he loved his children and was in good terms with them. He asserted that AAA was merely influenced by her uncle, accused-appellant's brother-in-law, to file the rape charges against him because of his long-standing feud with his brother-in-law involving a property.^[11]

In his brief,^[12] accused-appellant questioned AAA's credibility and posited that the following circumstances militate against a finding of rape: *first*, AAA's act of resistance was insufficient to prove that the sexual intercourse was against her will because she did not shout or ask for help; and lived with accused-appellant without attempting to run away to seek help in order to prevent further abuse; *second*, AAA's delay in reporting the rape, despite several opportunities to do so, was unnatural and contrary to human experience. Consequently, AAA's rape charge is doubtful.

The RTC Ruling

After trial, the RTC found accused-appellant guilty beyond reasonable doubt of the crime of rape. The dispositive portion of the decision reads:

WHEREFORE, judgment is hereby rendered finding accused **VILLARIN CLEMENO y LOZANO guilty beyond reasonable doubt of two counts of Rape** penalized under Article 266-A, par. 1 in relation to Article 266-B of the Revised Penal Code, under Criminal Case Nos. 14007 and 14008, and sentencing him in each case to suffer the penalty of **reclusion perpetua without eligibility for parole** and to indemnify [AAA] **for each count of rape** the amounts of P75,000.00 as civil indemnity, P75,000.00 as moral damages, and P30,000.00 as exemplary damages.

Costs of suit must also be paid by the accused.^[13]

The CA Ruling

On appeal, the CA affirmed accused-appellant's conviction. According to the CA, with regard to appreciating the credibility of witnesses, "the trial court is in a better position than the appellate or reviewing court because the former had the full opportunity to observe directly the witness' deportment and manner of testifying."

^[14] Moreover, "delay in reporting an incident of rape is not necessarily an indication that the charge was fabricated, particularly when the delay can be attributed to fear instilled by threats from one who exercises ascendancy over the victim."^[15] On the issue of the alleged influence exerted by his brother-in-law over AAA, the CA observed that such a reason was "too flimsy and insignificant for a daughter to falsely charge her father with a serious crime and to publicly disclose that she had been raped and then undergo the concomitant humiliation, anxiety, and exposure to public trial unless it was true."^[16]

The dispositive portion of the CA decision reads:

WHEREFORE, premises considered, the **APPEAL** of accused-appellant Villarin L. Clemeno is hereby **DENIED**. Accordingly, the assailed Decision dated October 19, 2010, rendered by the Regional Trial Court, Fourth Judicial Region, Branch VII, Batangas City, in Criminal Cases No. 14007 and 14008 are hereby **AFFIRMED**.^[17]

OUR RULING

The Court finds no reason to reverse the conviction.

Considering that only two persons are usually involved in rape cases, even the lone uncorroborated testimony of the victim is enough to prove the crime as charged, as long as the testimony is clear, positive and probable.^[18] Here, the trial court found AAA's testimony to be clear, straightforward, and convincing, unflawed by any material or significant inconsistency.

A well-entrenched doctrine where the issue is one of credibility is that the trial court's assessment is given great weight and is deemed conclusive and binding, if not tainted with arbitrariness or oversight of some fact or circumstance of weight and influence. This is because the trial court has the full opportunity to observe