

THIRD DIVISION

[G.R. No. 224626, June 27, 2018]

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

DECISION

MARTIRES, J.:

This is an appeal from the 11 November 2015 Decision^[1] of the Court of Appeals (CA) in CA-G.R. CR-HC No. 06195, which affirmed with modification the 23 April 2012 Consolidated Judgment^[2] of the Regional Trial Court, Benguet (RTC), in Criminal Case Nos. 2K-CR-3865 to 2K-CR- 3867, finding accused-appellant YYY^[3] guilty beyond reasonable doubt of three (3) counts of Rape.

THE FACTS

In three separate Informations all dated 25 August 2000, YYY was charged with rape under Article 335^[4] of the Revised Penal Code committed against AAA,^[5] his half-sister. The accusatory portion of the informations read:

Crim. Case No. 2K-CR-3865

That on or about the 26th day of March 1994, at [XXX], Province of Benguet, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, by means of force, violence and intimidation, did then and there wilfully, unlawfully and feloniously have carnal knowledge with one AAA, a minor, being ten (10) years of age, against her will and consent, to her damage and prejudice.^[6]

Crim. Case No. 2K-CR-3866

That on or about the 17th day of June 1993, at [XXX], Province of Benguet, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, by means of force, violence and intimidation, did then and there wilfully, unlawfully and feloniously have carnal knowledge with one AAA, a minor, being nine (9) years of age, against her will and consent, to her damage and prejudice.^[7]

Crim. Case No. 2K-CR-3867

That on or about the 11th day of September 1993, at [XXX], Province of Benguet, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, by means of force, violence and intimidation, did then and there wilfully, unlawfully and feloniously have carnal knowledge with one AAA, a minor, being nine (9) years of age, against her will and consent, to her damage and prejudice.^[8]

During his arraignment on 3 September 2001, YYY, with the assistance of his counsel, pleaded "Not Guilty" to all three charges.^[9]

Version of the Prosecution

On 17 June 1993, AAA was at her home in XXX, Benguet, with her parents and siblings, including YYY. Around 12:00 noon, YYY, who was at their other house, called for AAA and asked her to massage his back. As she was massaging him, he went behind her and began to undress her. Then he forced her to lie down and removed her pants and underwear. He placed himself on top of her and inserted his penis into her vagina. AAA could not push him away or shout for help because YYY forced himself on her and placed a handkerchief in her mouth. During the ordeal, she was crying as her body ached. After more than 30 minutes of carnal knowledge, YYY threatened AAA not to tell anyone or he would kill her. After getting dressed, he went outside the house and left her crying.^[10]

In the afternoon of 11 September 1993, AAA was sleeping in their house when she felt someone approach and carry her. When she opened her eyes, she saw it was YYY who laid her on top of a carton pile. He undressed AAA and then started kissing her before inserting his penis into her vagina. AAA tried to push him away but she could not get out of his embrace. YYY thereafter put on his clothes while AAA ran crying to her father in the garden. She, however, did not explain why she was crying for fear that YYY would make good his threat to kill her. ^[11]

On 26 March 1994, AAA was at home sleeping beside her sibling when YYY came beside her and proceeded to undress her. She tried to wake up her sibling but YYY pulled her to the corner and angrily told her to remain still. There, he kissed her and inserted his penis into her vagina. After he was done ravishing her, YYY uttered the same threat to kill her and her sibling if she told anyone. AAA went back to sleep after the incident. Out of fear, she did not tell anyone about the abuses.^[12]

In 2000, AAA decided to file a case against YYY after she discovered that he was also raping her younger sister. The medical examination conducted on AAA revealed that she had shallow healed lacerations at 3 o'clock position and deep healed lacerations at the 6 o'clock position in her hymen; it meant that a blunt object had been inserted into her vagina.^[13]

Version of the Defense

On 18 December 1999, YYY was at Dalawa, Alilem, Ilocos Sur, when someone informed him that his siblings, together with his half-sister AAA, were having a picnic by the river. After work, he went to the river and there saw his siblings with their cousin and five other male companions. YYY scolded them for having a picnic until night time without visiting their grandfather first. One of his siblings then threw stones at him and then mauled him. The group then left and YYY followed AAA, who ran towards the opposite direction.^[14]

YYY was able to catch up with AAA and asked her what they were doing. Suddenly, AAA's male companions arrived and beat him up and even hit him in the head with a stone. YYY tried to escape by boarding a passing vehicle, but he was pulled away and was again mauled. On 18 January 2000, he went to the office of the Barangay Captain of Dalawa, Alilem, Ilocos Sur, to file a complaint. However, YYY's complaint

was abandoned after it was discovered that AAA had filed a case for rape against him.^[15]

The RTC Ruling

In its 23 April 2012 consolidated judgment, the RTC found YYY guilty of three (3) counts of rape defined and penalized under Article 335 of the RPC because all the incidents occurred prior to the passage of Republic Act No. 8353. The trial court noted that AAA positively identified YYY as her abuser and had categorically and clearly narrated how he had forced himself upon her. It disregarded YYY's defense of denial and alibi in view of AAA's positive identification of him. The RTC also found without merit his allegations that AAA's accusations were motivated by a desire to exact revenge against him. It expounded that family feuds have not prevented the Court from giving, if proper, full credence to the testimony of minor complainants who remained consistent throughout their direct and cross-examinations. The RTC also posited that the delay in filing the rape cases against YYY can be attributed to the threats he made against AAA. The dispositive portion reads:

WHEREFORE, this court finds accused YYY GUILTY BEYOND REASONABLE DOUBT for THREE (3) COUNTS OF RAPE and is hereby sentenced to suffer the penalty of RECLUSION PERPETUA for each case. He is likewise ordered to pay private complainant, AAA, PhP75,000.00 as moral damages, PhP75,000.00 as civil indemnity and another PhP25,000.00 as exemplary damages for each case. The awards for civil indemnity and damages are without subsidiary penalties in case of insolvency.

Let a Warrant of Arrest be issued immediately against convict YYY for the service of his sentence.

Furnish a copy of this Consolidated Judgment to the Office of the Provincial Prosecutor of Benguet; the private complainant; the accused and his counsel.

SO ORDERED.^[16]

Aggrieved, YYY appealed before the CA.

The CA Ruling

In its assailed decision, the CA affirmed with modification the RTC decision. The appellate court agreed that AAA's narration was clear, spontaneous, and straightforward. As such, it noted that her testimony established all the elements of rape under Article 335 of the RPC. The CA dismissed YYY's argument that AAA's testimony was suspicious and incredible because it was perfect down to the minute details. The appellate court agreed that YYY is guilty only of simple rape because the qualifying circumstance of relationship was not alleged in the informations filed against him. However, the CA modified the damages awarded to conform to the jurisprudence prevalent at that time. It ruled:

WHEREFORE, premises considered, the appeal is hereby **DISMISSED**. The Consolidated Judgment of the Regional Trial Court (RTC) of [XXX], Benguet, in Criminal Case Nos. 2K-CR-3865, 2K-CR- 3866, and Criminal Case No. 2K-CR-3867 is **AFFIRMED** with the following **MODIFICATIONS**:

The accused-appellant [YYY] is hereby convicted of three counts of simple rape as defined under Article 335 of the Revised Penal Code and is sentenced to suffer the penalty of reclusion perpetua for each count of simple rape. He is ordered to pay AAA the amounts of P50,000.00 as civil indemnity, P50,000.00 as moral damages, and P30,000.00 as exemplary damages.

The amount of damages awarded are subject to interest at the legal rate of 6% per annum, to be reckoned from date of finality of this Decision until fully paid.

SO ORDERED.^[17]

Hence, this appeal raising the following:

ISSUES

I.

WHETHER THE COURT A QUO GRAVELY ERRED IN CONVICTING THE ACCUSED-APPELLANT OF THE CRIME OF RAPE BASED ON THE INCREDIBLE TESTIMONY OF THE PRIVATE COMPLAINANT; AND

II.

WHETHER THE COURT A QUO GRAVELY ERRED IN CONVICTING THE ACCUSED-APPELLANT OF THE CRIME OF RAPE DESPITE THE FACT THAT THERE IS NO EVIDENCE THAT WOULD CORROBORATE COMPLAINANT'S CLAIMS.^[18]

THE COURT'S RULING

The appeal has no merit.

Essentially, YYY's attempt at exoneration rests heavily on his challenge of AAA's credibility as a witness. He argues that the medical findings do not necessarily support her claims that she was raped on three separate dates. As such, YYY surmises the trial court should have been more circumspect in assessing AAA's testimony. He bewails that a deeper scrutiny of AAA's testimony becomes more imperative considering that it appears to be perfect, raising the possibility that she was rehearsed. YYY highlights that the incident occurred almost nine (9) years prior to her testimony in court. Finally, he believes that AAA's actions are contrary to human experience and negate her allegations that there was force and intimidation during the rape incidents.

The Court finds YYY's arguments devoid of value.

A medico-legal report is not indispensable in rape cases as it is merely corroborative in nature.^[19] Thus, even without it, an accused may still be convicted on the sole basis of the testimony of the victim.^[20] As such, the credibility of the witness should be assessed independently regardless of the presence or absence of a medico-legal report. Trial courts are expected to scrutinize the victim's testimony with great caution,^[21] with or without a medico-legal report to corroborate the same.