

## THIRD DIVISION

[ G.R. No. 207946, September 27, 2017 ]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.  
ALFREDO REYES ALIAS "BOY REYES," ACCUSED-APPELLANT.**

### DECISION

**MARTIRES, J.:**

This is a Petition<sup>[1]</sup> taken pursuant to Section (Sec.) 2, Rule 125 in relation to Sec. 3, Rule 56 of the Rules of Court from the Decision<sup>[2]</sup> of the Court of Appeals (CA), Twenty-Second Division, Cagayan de Oro City, in CA-G.R. CR-HC No. 00779-MIN affirming, although with modification as to the award of damages, the 28 October 2009 Decision<sup>[3]</sup> of the Regional Trial Court (RTC), Branch 26, Surallah, South Cotabato, finding Alfredo Reyes, alias "Boy Reyes" (Reyes), guilty of Rape with Homicide.

### THE FACTS

Reyes was charged before the RTC of Surallah, South Cotabato, with rape with homicide committed as follows:

That on or about the 13th day of February 1998, at about 4:00 o'clock in the morning thereof, at Zone V, Barangay Poblacion, Municipality of Surallah, Province of South Cotabato, Philippines and within the jurisdiction of the Honorable Court, the above-named accused after having entered the house of LERMA LEONORA, by the use of force upon things, with lewd design, did then and there wilfully, unlawfully and feloniously, with a piece of stone, strike and hit said Lerma Leonora on the forehead knocking her unconscious and thereafter in pursuance of his lewd design or motive and to satisfy his lust, did then and there wilfully, unlawfully and feloniously have carnal knowledge with the unconscious Lerma Leonora who died thereafter because of the injuries she sustained on her forehead.<sup>[4]</sup>

Reyes pleaded not guilty when the Information, docketed as Crim. Case No. 2146-S and raffled to the RTC, Branch 26, was read to him; thus, trial proceeded. The prosecution presented Dr. Rolando Arrojo (*Dr. Arrojo*), SPO2 Pablo L. Lapiad (*Lapiad*), and Charmaine Leonora (*Charmaine*), as its witnesses.

### ***The Version of the Prosecution***

Dr. Arrojo, the Health Officer of Surallah, South Cotabato, stated that he conducted a post-mortem examination on 13 February 1998, at 10:30 a.m., on the victim, Lerma Leonora (*Lerma*), a 28-year old, single female.<sup>[5]</sup> His post-mortem examination report contained the following findings:

#### IV. FINDINGS: Body is in stage of Primary Flaccidity.

1. Contusion, Forehead, right lateral portion with fracture of underlying skull.
2. Hematoma right eye.
3. Fresh Blood oozing from left Ear.
4. Hymen: Multiple Fresh lacerations at 6:00. 3:00 & 9:00 with bleeding.

#### V. CONCLUSION: POSSIBLE CAUSE OF DEATH - Massive Intracranial Hemorrhage resulting to shock then Cardiac Arrest due to Traumatic Injury in the Head.<sup>[6]</sup>

Dr. Arrojo explained that a hard blunt object could have possibly caused the contusion on the forehead and the fracture on the underlying skull of Lerma. The hematoma on the right eye and the fresh blood oozing from the ear could have been due to the wound inflicted on the forehead. The fresh lacerations on the hymen could have been caused by the penetration of a penis or any hard object, or forceful sexual intercourse. On the possible cause of death of Lerma, he explained that the traumatic injury on her head resulted in hemorrhage and shock that led to cardiac arrest. The sperm analysis<sup>[7]</sup> by the laboratory of the South Cotabato Provincial Hospital confirmed as spermatozoa the substance taken inside Lerma's vagina.<sup>[8]</sup>

Lapiad, a police officer, testified that the police station received on 13 February 1998 an incident report from the family of Lerma. Shortly, he and the other police officers proceeded to the house of the Leonora family where they found inside one of the rooms scattered bed sheets, pillows, a jacket, a pair of pants, and a stone. A photographer took pictures<sup>[9]</sup> of these articles. Lapiad was able to interview the eight-year old child named Charmaine who identified the suspect as a certain Boy Reyes. But he no longer wrote down his interview because she was trembling with fear. He was also able to interview Susan Leonora (*Susan*)<sup>[10]</sup> and Angelina Leonora (*Angelina*),<sup>[11]</sup> the sister and mother, respectively, of Lerma.<sup>[12]</sup>

Charmaine, who was already fifteen years old at the time she was called to the witness stand, testified that she was only eight years old and a grade one student at the time of the incident. She knew Reyes, whom she called "Lolo Boy" out of respect, because his house was just across hers at Purok Sison, Surallah, South Cotabato. She claimed that Lerma was her aunt, being the sister of her father.<sup>[13]</sup>

While she and Lerma were sleeping inside their house at early dawn on 13 February 1998, she was awakened when Reyes entered the room. She saw Lerma grapple with Reyes who struck Lerma's head with a stone causing the latter to lose consciousness. When Reyes dragged Lerma to the kitchen, she followed them and hid beside the refrigerator. Reyes removed Lerma's shorts, took off his jacket and pants, and thereafter mounted Lerma making push and pull movements. When Reyes caught sight of her, he warned her not to tell anyone, otherwise, he would kill her and her parents. He ordered her to go back to sleep. When a truck passed by, Reyes, who was then only in his briefs, ran outside, leaving his jacket and pants

behind.<sup>[14]</sup>

When Charmaine woke up, she went to her Lola Nena, Lerma's mother, and reported that Lerma's nose and ears were bleeding. She did not tell her Lola Nena that it was Reyes who caused Lerma's nose and ears to bleed because she was afraid that Reyes would make good on his promise to kill her and her parents.<sup>[15]</sup>

On 6 May 1999, she executed her sworn statement<sup>[16]</sup> before the Provincial Prosecutor.<sup>[17]</sup>

### ***The Version of the Accused***

To prove his innocence, Reyes took the witness stand. He said that he knew Susan, whose house in Surallah was about fifteen meters away from his house, but claimed he did not know who Lerma was even while he was testifying.<sup>[18]</sup>

He was asleep in his house on the night of 12 February 1998 with his son Alfredo Reyes III, whom he calls Boboy (*Boboy*). He woke up the following day at about 8:00 a.m. and found his wallet and all its contents scattered around the house. That morning, Jun Sison (*Jun*), his friend, came to his house to inform him that an unfortunate event happened at the house of the Leonoras and that among the evidence found were a green jacket and a pair of pants. It was at that instance that he realized that his house had been robbed the night before and that his pants and his son's green jacket were missing.<sup>[19]</sup>

That same day, he and his son went to the police station to report<sup>[20]</sup> the missing pants and jacket. He then proceeded to his sister's house where a few minutes later a policeman came to invite him to the police station. He obliged, thinking that the invitation was in relation to his earlier report about the missing jacket and pants. At the police station, however, he was detained inside a room. He admitted that he knew Charmaine when she was still a child but claimed he didn't see her on the 12th and 13th of February 1998.<sup>[21]</sup>

### ***The Ruling of the RTC***

On 28 October 2009, the RTC<sup>[22]</sup> resolved the case as follows:

WHEREFORE, premises all considered, the court finds the evidence of the prosecution sufficient to establish the guilt of the accused beyond reasonable doubt.

Consequently, accused Alfredo Reyes alias "Boy Reyes" is hereby found guilty of the crime of Rape with Homicide as he is charged in this case beyond reasonable doubt.

Accordingly, he is hereby sentenced to undergo the penalty of imprisonment of *reclusion perpetua*. He is further ordered to pay the heirs of his deceased victim, Lerma Leonora, the amount of P75,000.00 as indemnity for her death and the amount of P30,000.00 as reasonable expenses for her wake and burial.<sup>[23]</sup>

## ***The Ruling of the CA***

Aggrieved with the decision of the RTC, Reyes appealed to the CA, Cagayan de Oro City, raising the sole issue on whether he was appropriately convicted of rape with homicide.<sup>[24]</sup>

The CA, through its Twenty-Second Division, accorded respect to the findings of fact of the trial court in the absence of clear and convincing evidence that the latter ignored facts and circumstances which, if considered on appeal, would have reversed or modified the outcome of the case. It ruled that, although Charmaine was only a child, the determination of her competence and capability as a witness rested primarily with the trial judge. On the other hand, it found that the defense proffered by Reyes that his house was robbed was but a make-believe scenario to deny his responsibility for the crime done to Lerma. Thus, the appeal of Reyes was resolved<sup>[25]</sup> as follows:

FOR THESE REASONS, the appeal is DENIED. The 28 October 2009 Decision in Criminal Case No. 2146-S is MODIFIED insofar as the penalty and the award of damages are concerned. Accordingly, accused Alfredo Reyes alias "Boy Reyes" is sentenced to an imprisonment of *reclusion perpetua* without eligibility for parole. Further, he is ordered to pay the heirs of the victim, Lerma Leonora, the amount of P100,000.00 as civil indemnity, P25,000.00 as temperate damages, and P75,000.00 as moral damages.<sup>[26]</sup>

## **THE RULING OF THE COURT**

The petition has no merit.

### ***Charmaine was a credible witness with a credible testimony.***

Reyes primarily assailed the credibility of Charmaine on the following grounds: (a) she revealed her knowledge of the incident only a year after it had happened;<sup>[27]</sup> (b) her testimony was replete with serious improbabilities which cast doubts on the veracity of her allegations;<sup>[28]</sup> (c) she was not questioned by police officers and relatives as to her knowledge of the incident considering that she was with Lerma at the time the incident transpired;<sup>[29]</sup> (d) granting that he was the author of the crime, it was impossible that he would still allow her to remain where she was after having witnessed the fatal incident;<sup>[30]</sup> (e) she was not sure where the incident happened;<sup>[31]</sup> and (f) she gave opposing testimony on the mental and physical condition of Lerma during the incident.<sup>[32]</sup>

In *People v. Pareja*,<sup>[33]</sup> the Court reiterated the guidelines that have over time been established in jurisprudence, and which have been observed when the issue pertains to the credibility of witnesses, *viz*:

First, the Court gives the highest respect to the RTC's evaluation of the testimony of the witnesses, considering its unique position in directly observing the demeanor of a witness on the stand. From its vantage point, the trial court is in the best position to determine the truthfulness of witnesses.

Second, absent any substantial reason which would justify the reversal of the RTCs assessments and conclusions, the reviewing court is generally bound by the lower court's findings, particularly when no significant facts and circumstances, affecting the outcome of the case, are shown to have been overlooked or disregarded.

And third, the rule is even more stringently applied if the CA concurred with the RTC.

The recognized rule in this jurisdiction is that the "assessment of the credibility of witnesses is a domain best left to the trial court judge because of his unique opportunity to observe their deportment and demeanor on the witness stand; a vantage point denied appellate courts- and when his findings have been affirmed by the Court of Appeals, these are generally binding and conclusive upon this Court." x x x

The Court sees no valid reason to depart from these guidelines in this case.

Charmaine was only eight years of age at the time Reyes entered her and Lerma's room at dawn of 13 February 1998. She saw how Lerma grappled with Reyes, and how Reyes eventually hit Lerma on the head with the use of a stone ten inches in diameter. She saw Reyes drag the unconscious Lerma to the kitchen, remove Lerma's shorts, take off his pants and jacket, and ride on top of Lerma making push and pull movements. When Reyes saw she was witness to the scene, he threatened that he would kill her and her parents once she told somebody what she saw.

Charmaine positively identified Reyes when she gave her sworn statement before the Provincial Prosecutor and during the trial. She could not have been mistaken as to the identity of Reyes since she knew Reyes, whom she called Lolo Boy, because his house was just across the street from hers. The fluorescent light outside the room where she and Lerma were sleeping was on; thus, she was able to clearly see that it was Reyes who entered the room and grappled with Lerma. Moreover, Reyes confronted her after he saw her hiding beside the refrigerator.

Charmaine's delay in reporting what had happened to Lerma is insignificant and does not affect the veracity of the charge against Reyes. At Charmaine's tender age and having witnessed the sordid incident on 13 February 1998, it is expected that she would believe that Reyes had the capability to make good his threat to kill her and her parents. Charmaine credibly explained that she executed her sworn statement only after a year from the time of the incident because she was still in shock and fearful of Reyes' threat.<sup>[34]</sup> She even had to stop going to school<sup>[35]</sup> and was brought by her parents to Bukidnon in order that she may forget what happened on that day in February 1998.<sup>[36]</sup>

Reyes denigrated the testimony of Charmaine by claiming that there were improbabilities in her testimony. He asserted that Charmaine appeared not to have been distressed that he had entered their room and struck Lerma on the head; that she even followed when he dragged Lerma to the kitchen; that she did not seek help from relatives; and that she stayed inside her room even after he had left.<sup>[37]</sup>