

FIRST DIVISION

[G.R. No. 187744, June 20, 2012]

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ROGER TEJERO, ACCUSED-APPELLANT.

D E C I S I O N

LEONARDO-DE CASTRO, J.:

On appeal is the Decision^[1] dated November 28, 2008 of the Court of Appeals in CA-G.R. CR.-H.C. No. 02905 which affirmed with modifications the Decision^[2] dated June 22, 2007 of the Regional Trial Court (RTC) of Bangued, Abra, Branch 1, in Criminal Case Nos. 2004-202, 2004-203 and 2004-204. The RTC found accused-appellant Roger Tejero (Tejero) guilty beyond reasonable doubt of three counts of rape committed against AAA^[3] and sentenced him to suffer the penalty of *reclusion perpetua* and to pay AAA the amount of P50,000.00 as moral damages for each count of rape. The Court of Appeals ordered Tejero to pay the additional amount of P50,000.00 as civil indemnity.

In three separate Informations dated October 6, 2004 filed before the RTC, Tejero was charged with three counts of rape committed against AAA on February 1, 2004, ^[4] February 8, 2004^[5] and April 4, 2004,^[6] which were docketed as Criminal Case Nos. 2004-204, 2004-203 and 2004-202, respectively. Except as to the aforesaid different dates of the commission of the crime, the Informations were identically worded. The Information in Criminal Case No. 2004-204^[7] reads:

CRIM. CASE NO. 2004-204

The undersigned 3rd Asst. Provincial Prosecutor accuses ROGER TEJERO for violation of R.A. 7610 (RAPE) committed as follows:

That on or about February 1, 2004 at 3:00 P.M. at x x x, Abra, Philippines and within the jurisdiction of this Honorable Court, the said accused, did then and there, willfully, unlawfully and feloniously succeeded in having carnal knowledge with AAA, a minor, 14 years of age, by means of force and intimidation, against her will and consent, to the great damage and prejudice of the offended party.

During his arraignment on April 25, 2005, Tejero entered a plea of not guilty for all three counts.^[8]

During trial, the prosecution submitted as evidence victim AAA's testimony and

documents consisting of (1) the Medico Legal Certificate^[9] presenting the result of the medical examination conducted on AAA by Dr. Liberty Bañez (Dr. Bañez) on July 24, 2004, and (2) AAA's Certificate of Live Birth^[10] issued by the Office of the Municipal Civil Registrar of Bangued, Abra, showing that AAA was born on March 27, 1990. The prosecution's version of the events was summarized by the RTC as follows:

The prosecution presented the private complainant herself, [AAA] who testified that she was only fourteen years old when the accused raped her on three different occasions in the year 2004. Her Birth Certificate which indicated that she was born on March 27, 1990 was formally offered in evidence to show her minority at the time the crimes were allegedly committed against her. She was also a student at the x x x National High School at x x x, Abra at this time. She directly identified accused ROGER TEJERO as the man who raped her repeatedly. She regarded him as her stepfather since he has been cohabiting with her mother in their home at x x x, Abra when these criminal acts were committed by him. She claimed that she was first raped by the accused on a Sunday February 1, 2004 at their living room. In her sworn statement (Exhibit B) which formed part of her testimony, she stated that this happened at 3:00 o'clock in the afternoon when her mother was out selling vegetables and while her two siblings went to the family house of their maternal grandparents. She narrated that she was suddenly pulled by her stepfather, removed her clothes and then raped her. He then warned her not to tell anybody or else he would kill all of them.

On February 8, 2004, the next Sunday, the accused again raped her at their living room in the same house. At that time, her mother was selling vegetables again in another barangay while the accused fended off her sisters to the family house of their maternal grandparents again. In her sworn statement, she observed that his breath even stank with alcohol when he was raping her. The accused also pointed a rifle at her to threaten her.

For the third time, the accused again raped her on April 4, 2004 at about 5:00 o'clock in the afternoon now inside a room at their house while her mother was out selling vegetables again. In her sworn statement, she also revealed that she did not report all the incidents to anyone because of her fear of her stepfather's repeated threats that he would kill all of them if she did. Her mother [BBB] only came to know that she has been repeatedly ravaged by him when she was hospitalized for three weeks due to her appendicitis. During her check-up, her attending doctor discovered that she was already about five months pregnant. She said that her pregnancy was a result of the rape. She eventually gave birth to a baby boy.^[11]

For the defense, Tejero himself took the witness stand. The RTC gave the following gist of Tejero's testimony:

On the other hand, the defense presented accused Roger Tejero. He said that he is a widower and that after his first wife died, he and the mother of the complainant [BBB] have been living together as husband and wife for the past years. They have two other children. The private complainant, [BBB's] biological daughter [AAA], is only his stepdaughter. He said that he used to work as a jeepney driver for his sister DELIA TEJERO since March 28, 2002 every Sunday of the week since another driver drives a public utility jeepney from Mondays to Saturdays. He belied the allegation that he raped [his] stepdaughter on three separate occasions since all of these dates fell on a Sunday, the day that he was always scheduled to drive the jeepney.

On February 1, 2004, on the occasion of the first alleged rape, the accused recounted that at about 3:00 o'clock p.m., he was at the parking space in Bangued, Abra for jeepneys bound for Lagangilang, Abra waiting for passengers. The jeepney was loaded by 4:30 o'clock p.m. and he reached the jeepney stop at x x x at around 5:00 o'clock p.m. He traversed another six kilometers to reach their house at x x x which took about another thirty minutes. On February 8, 2004, on the occasion of the second alleged rape, at about 3:00 to 4:00 o'clock p.m. , he was again at the same parking space in Bangued, Abra waiting for passengers and he was able to reach x x x at about 5:00 p.m. only. On April 4, 2004 on the occasion of the third alleged rape, at about 2:00 o'clock p.m., he was again at the same parking space in Bangued, Abra waiting for passengers. He concluded that the allegations of rape that happened on these dates were all lies and that he knew nothing about the criminal acts.^[12]

On June 22, 2007, the RTC rendered its Decision giving credence to AAA's testimony and rejecting Tejero's defense of denial and alibi. The dispositive portion of the RTC judgment reads:

WHEREFORE, premises considered, the Court hereby finds accused **ROGER TEJERO GUILTY beyond reasonable doubt** of the commission of three counts of **RAPE** and hereby sentences him to the maximum penalty of **RECLUSION PERPETUA for each COUNT of RAPE** in the presence of the aggravating circumstances of minority and the relation of the victim to the accused as his step-parent. He is also ordered to pay the private complainant AAA the amount of Fifty Thousand Pesos (P50,000.00) in moral damages.^[13]

As a result, the RTC issued an Order of Commitment^[14] for Tejero on July 30, 2007, pursuant to which, Tejero was received at the New Bilibid Prison on August 4, 2007.^[15]

Tejero subsequently filed an appeal with the Court of Appeals where it was docketed as CA-G.R. CR.-H.C. No. 02905. The appellate court, though, in its Decision dated November 28, 2008, merely affirmed the judgment of conviction of the RTC, with the modification ordering Tejero to pay an additional amount of P50,000.00 as civil

indemnity. The Court of Appeals decreed thus:

WHEREFORE, the appealed Decision dated June 22, 2007 of the trial court is affirmed, subject to the modification that accused-appellant is further ordered to pay fifty thousand pesos (P50,000.00) to AAA as civil indemnity.^[16]

Thereafter, the Court of Appeals elevated Tejero's case to this Court in view of the penalty imposed. After both parties filed their separate manifestations in which they waived the filing of supplemental briefs, the Court submitted the case for resolution.

In his Brief before the Court of Appeals, Tejero made a lone assignment of error:

THE TRIAL COURT GRAVELY ERRED IN RENDERING A VERDICT OF CONVICTION DESPITE THE FACT THAT THE GUILT OF THE ACCUSED-APPELLANT WAS NOT PROVEN BEYOND REASONABLE DOUBT.^[17]

Tejero's instant appeal is anchored on the catch-all argument that his guilt has not been proven beyond reasonable doubt. Tejero challenges AAA's credibility considering: (1) AAA's concealment of the alleged rapes for more than six months after they happened without a satisfactory explanation for the delay in reporting the same; (2) AAA's failure to take precautionary measures to prevent the successive rapes committed against her; and (3) AAA's untruthful account that Tejero pointed a gun at her during one of the rape incidents, meant only to ensure the latter's conviction.

The instant appeal has no merit.

Inarguably, Tejero wants the Court to inquire into the sufficiency of the evidence presented, including the credibility of the lone witness for the prosecution, AAA, a course of action which this Court will not do, consistent with its repeated holding that this Court is not a trier of facts. Basic is the rule that factual findings of trial courts, including their assessment of the witnesses' credibility, are entitled to great weight and respect by this Court, particularly when the Court of Appeals affirms the findings.^[18]

The trial court's conclusions on the credibility of witnesses in rape cases are generally accorded great weight and respect, and at times even finality, unless there appear in the record certain facts or circumstances of weight and value which the lower court overlooked or misappreciated and which, if properly considered, would alter the result of the case. Since the trial judge had the direct and singular opportunity to observe the facial expression, gesture and tone of voice of the complaining witnesses while testifying, it was truly competent and in the best position to assess whether the witnesses were telling the truth.^[19]

The Court finds no reason herein to depart from the general rule. Tejero fails to convince this Court that both the RTC and the Court of Appeals overlooked or misappreciated any fact or circumstance on record of weight and value that would

have altered the results of the case. To the contrary, the evidence on record strongly supports the finding of guilt rendered by the RTC and the Court of Appeals against Tejero.

AAA was firm and unrelenting in pointing to Tejero as the one who raped her on three occasions. AAA knew Tejero very well as Tejero was cohabiting with BBB, AAA's mother, and AAA deemed Tejero as her stepfather. AAA's testimony was candid, spontaneous, and consistent as revealed in the following excerpts from the Transcript of Stenographic Notes (TSN):

Q You claimed that you were raped by this Roger Tejero, will you tell this Honorable Court how you were raped by this person Miss Witness?

A [He] suddenly pulled me, sir, he removed my clothes and then rape me.

Q When was that Miss Witness?

A February 1, 2004, inside our house at our living room, sir.

Q And what else did he do on that date February 1, 2004?

A He warned me, sir, not to tell to anybody because if I will tell this to anybody, he will kill us all.

Q That happened after he raped you on February 1, 2004 is that correct Miss Witness?

A Yes, sir.

Q And while he was doing that act on you Miss Witness on February 1, 2004, did you feel anything?

A I was feeling pain, sir.

Q After that incident on February 1, 2004, are there other incident that happened Miss Witness?

A Yes, sir.

Q When is that Miss Witness?

A February 8, 2004, sir.

Q And what happened again on that date Miss Witness?

A He again raped me, sir.

Q How did he do that Miss Witness?

A My mother went to [s]ell vegetable to the other barangay and my sisters went to our family house that time, sir.

Q What else did you (sic) do on February 8, 2004?

A He again raped me, sir, at the living room of our house.

Q That is on February 8, 2004?

A Yes, sir.

Q After that rape on February 8, 2004 are there other incidents that happen to you again Miss Witness?

A Yes, sir.

Q When was that Miss Witness?

A April 4, 2004, sir.

Q Do you remember what time was that Miss Witness?

A Yes, sir, 5:00 o'clock in the afternoon.

Q How did he do that to you Miss Witness?

A My mother went again to sell vegetables because she was the one providing us, sir. [20]

The RTC observed that the defense failed to shake AAA's credibility even during