

## FIRST DIVISION

[ G.R. No. 199264, October 24, 2012 ]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. NOEL  
T. LAURINO, ACCUSED-APPELLANT.**

### R E S O L U T I O N

**REYES, J.:**

This is an appeal filed by accused-appellant Noel T. Laurino (Laurino) from the Decision<sup>[1]</sup> dated August 18, 2011 of the Court of Appeals (CA) in CA-G.R. CR-HC No. 00786-MIN. The CA Decision affirmed the Decision<sup>[2]</sup> dated August 28, 2009 of the Regional Trial Court (RTC), Initao, Misamis Oriental, Branch 44 finding Laurino guilty beyond reasonable doubt of two (2) counts of qualified rape.

#### **Factual Background**

Laurino was accused of raping his niece, AAA,<sup>[3]</sup> then a 17-year old minor, in two (2) separate informations filed with the RTC. When arraigned, he entered a plea of "not guilty." After pre-trial, trial on the merits ensued.

The pertinent facts, as narrated by the RTC in its Decision dated August 28, 2009, are as follows:

Accused is the uncle of AAA. His half-sister, BBB, is AAA's mother. Sometime in December 2001, accused stayed in the house of AAA's family in Buhanginan Hills, Iligan City.

On *May 2, 2002*, AAA and CCC – AAA's younger sister, went to Jampason, Initao, Misamis Oriental to assist in the harvesting of coconuts in a parcel of land, owned by a certain Evangeline Seno. Accused was also in Jampason, Initao to tend to the harvesting of the coconuts, which was done on a quarterly basis.

On May 11, 2002, on or about 1:00 o'clock in the afternoon, while AAA and CC[C] were inside the hut beside the coco drier, accused suddenly appeared and directed CCC, who had a toothache at that time, to go upstairs. As soon as CCC was out of sight, accused grabbed AAA and fiercely kissed her on the lips. AAA resisted his advances by saying "ayaw lagi, kol" but accused was not deterred. He made AAA lie down. Placing his knife beside AAA, he removed AAA's short pants and panty. AAA pleaded with him to stop but her pleas fell on deaf ears. Accused positioned himself on top of AAA, parted her legs and inserted his penis inside her vagina. AAA cried but accused just laughed and uttered "moning angay sa imo". He warned AAA not to tell anybody.

The second incident took place on the same day, May 11, 2002, at around 10:00 o'clock in the evening. While AAA and CCC were sleeping in one of the rooms, accused entered their room and grabbed her left arm. Again, AAA pleaded with accused but accused just told her, "hilon (sic) diha", meaning that AAA should stay quiet. He covered her mouth with his hand, after which, AAA felt something sharp poked [sic] her side. Accused was armed with a knife. He removed her short pants and panty. Then, he inserted his penis inside her vagina. Abused and feeling so helpless, AAA cried.

After the harrowing ordeal, she kept mum about the incident, as she was threatened by the accused.

On *October 4, 2002*, BBB, AAA's mother, discovered what accused did from AAA's classmates, who came to their house and told her that accused, her half-brother, raped AAA.

On *October 7, 2002*, Dr. Cecilio A. Paquit, MD, conducted a physical examination on BBB [sic]. The *Medical Report* shows:

Introitus = easily admits 2 xxx fingers  
Hymen = old hymenal laceration noted at 9 o'clock, 3 o'clock and 6 o'clock position

On the same day, AAA executed an *affidavit* complaint [sic] before the National Bureau of Investigation, Iligan City.

x x x x

Accused, for his part, interposed the defenses of denial and alibi. He admitted that he was in Jampason, Initao on May 11, 2002 but he alleged that between 12:00 o'clock noon to 3:00 o'clock in the afternoon, he was in the cemetery, together with his family, AAA and AAA'[s] family and that at 7:00 pm of the same day till 5:00 am of the next day (May 12, 2002), he went fishing with Baltazar Lacno.

Accused further testified that the reason why he was falsely charged of rape is [sic] because BBB, AAA's mother and his half-sister, wanted to exclusively tend the land that they were both tending.<sup>[4]</sup> (Citations omitted and italics supplied)

### **The Decision of the RTC**

On August 28, 2009, the RTC convicted Laurino of two (2) counts of rape, qualified by the minority of AAA and her relationship to him. The trial court explained that the clear, detailed and spontaneous testimony of AAA had established that Laurino succeeded in having carnal knowledge of AAA, after employing force and intimidation against her. Any minor inconsistencies in AAA's testimony as to the time and place of the crime's commission did not render her statements unreliable. For the court, such inconsistencies in fact "tend to reinforce rather than impair her

credibility for [these] evince that her testimony was not rehearsed.”<sup>[5]</sup> Furthermore, since time is not an element of the crime of rape, any discrepancy, granting that there was any, in her testimony on the time of its commission was inconsequential to Laurino’s culpability.

The RTC brushed aside Laurino’s denial and *alibi*. Firstly, it found no ill-motive on the part of AAA which would have impelled her to falsely testify against her uncle. The court rejected Laurino’s claim that he was falsely charged only because BBB wanted to exclusively tend the land that they were both tending. It took note of the testimony of Laurino’s mother that BBB in fact did not harvest the produce of said land, even after Laurino had been sent to prison. *Secondly*, Laurino failed to establish that he was in some other place, or that it was physically impossible for him to be anywhere within the vicinity of the crime scene, at the time that the rape was committed.

The dispositive portion of the RTC’s decision then reads:

**WHEREFORE**, premises considered[,] accused Noel T. Laurino is found guilty beyond reasonable doubt of two counts of qualified rape and is sentenced to suffer the penalty of *reclusion perpetua*, without eligibility for parole. He is hereby ordered to pay private complainant, for each count of rape, civil indemnity of Php 75,000.00, moral damages of Php 75,000.00, and exemplary damages of Php 25,000.00.

SO ORDERED.<sup>[6]</sup>

Feeling aggrieved, Laurino appealed to the CA.

### **The Decision of the CA**

On August 18, 2011, the CA rendered its Decision affirming *in toto* the RTC’s decision. The CA found AAA’s testimony credible as it clearly showed how Laurino employed force and intimidation against AAA, even threatening her with a knife each time that he committed the rape. These were heightened by Laurino’s moral ascendancy for being an uncle of the victim.

The CA agreed with the RTC’s observation that Laurino failed to show the physical impossibility for him to be at or near the crime scene during the time when the two incidents of rape were committed. On the contrary, Laurino claimed to be then just a few kilometers away from the scene. The CA then rejected the defense of *alibi*, and emphasized that denial, like *alibi*, is an inherently weak and unreliable defense that could easily be fabricated.<sup>[7]</sup>

Hence, this appeal.

### **This Court’s Ruling**

We dismiss the appeal.

The Court finds no cogent reason to disturb the RTC’s factual findings, as affirmed