

SECOND DIVISION

[G.R. No. 187077, February 23, 2011]

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ALEX CONDES Y GUANZON, ACCUSED-APPELLANT.

D E C I S I O N

MENDOZA, J.:

This is an appeal from the July 31, 2008 Decision^[1] of the Court of Appeals (CA), in CA-G.R. CR-H.C. No. 00926, which affirmed the July 21, 2003 Decision^[2] of the Regional Trial Court, Branch 34, Calamba City (RTC), in Criminal Case No. 7383-2000-C, finding the accused guilty beyond reasonable doubt of the crime of rape committed against AAA.^[3]

Accused Alex Condes y Guanzon (*accused*) was charged with the crime of rape in an information^[4] dated February 23, 2000, the accusatory portion of which reads:

That on or about February 14, 1999 at Brgy. Bitin, Municipality of Bay, Province of Laguna and within the jurisdiction of this Honorable Court, the above-named accused while conveniently armed with a bolo through force, violence and intimidation and with lewd design, did then and there willfully, unlawfully and feloniously have carnal relation with one AAA, a fourteen (14) year old minor, against her will and consent, to her damage and prejudice.

CONTRARY TO LAW.

Version of the Prosecution

The thrust of the prosecution's evidence has been summarized by the Office of the Solicitor General (OSG) in its Brief^[5] as follows:

On the eve[ning] of February 14, 1999, the 14-year old victim, AAA, was left alone with her stepfather, appellant Alex Condes, at their house in Brgy. Bitin, Laguna. She was cleaning the upstairs area of the house, when appellant entered the room, pointed a bolo at her neck, and warned her not to shout. He pulled her down to the floor, removed her clothes, and when she tried to push him away - subdued her with a threat of a cut from his bolo. Appellant removed his own garments, positioned himself on top of his stepdaughter, and succeeded in inserting his penis into the victim. He made push and pull movement for about ten minutes. The pain the victim felt in her sex organ was excruciating.

After satisfying himself, appellant wiped his sex organ. Threatening to kill her brothers and sister, he made AAA promise not to tell anyone about the incident. She kept the unpalatable promise until December 30, 1999, when appellant tried to rape her again. Determined to obtain justice, the victim called her aunt in San Pablo City and disclosed the revolting incident. On January 4, 2000, accompanied by her aunt, AAA was taken to the PNP Regional Crime Laboratory Office, Camp Vicente Lim, Canlubang Calamba, Laguna, where she was examined by Dr. Joselito Rodrigo whose findings revealed the following:

"...scanty growth of pubic hair. Labia majora are full, convex and coated with pinkish brown labia minora presenting in between. On separating the same is disclosed an elastic fleshy type hymen with deep-healed laceration at 6 o'clock position. External vaginal orifice offers strong resistance to the introduction of the examining index finger. Vaginal canal is narrow with prominent rugosities. Cervix is soft.... Findings are compatible with 9 to 10 weeks pregnant already..."

Version of the Defense

In his Brief,^[6] the accused denied the charges against him and presented his own version of the circumstances before and during the alleged incident. Thus:

Rose Catalan is a lady guard of the Guzent Incorporated in Tiwi, Albay, where the accused used to work since 1991. She is in-charge of the time records of all the employees in the said establishment.

On February 13, 1999, the accused reported for work, which was indicated in their logbook. The accused left the company at 11:10 in the morning but proceeded to Tiwi Hot Spring.

Alex Condes vehemently denied the accusation hurled against him. He recalled that in the morning of February 14, 1999, he returned the service vehicle to his office at No. 1237 EDSA, Quezon City. He went home soon thereafter to take a short nap in his house in Quezon City. At 5:00 o'clock in the morning, he decided to go to his house in Brgy. Bitin, Bay, Laguna. Upon reaching home, he went to sleep again until his brother-in-law and a companion arrived. They had a drinking spree. The complainant asked permission to attend a fiesta at her friend's house.

At 7:00 o'clock in the evening, he asked his mother-in-law and the complainant to prepare his things as he would return to Manila the following day. He left his house on February 15, 1999 at 3:30 in the morning.

Alberto Navarette, barangay captain of Bitin, in Bay, Laguna, averred that he saw the accused inside the latter's house in the morning of February

14, 1999. He also saw the complainant washing dishes in their kitchen. Then, in the afternoon, he passed by the house of the accused and saw him carrying a child while the complainant was in front of their house. He did not notice anything unusual.

On July 21, 2003, the RTC rendered its judgment convicting the accused guilty beyond reasonable doubt of simple rape. It rejected the defenses of denial and alibi proffered by the accused stating that said defenses fell flat in the face of the testimony of AAA on her harrowing ordeal in the hands of the accused. It found her testimony to be credible, natural, convincing, consistent with human nature, and in the normal course of events.^[7] The lower court, however, ruled that the accused can only be convicted of simple rape and not in its qualified form. It reasoned out that while the prosecution was able to establish the aggravating/qualifying circumstances of minority and relationship which would warrant the imposition of death penalty under Article 266-B of the Revised Penal Code, the circumstance of stepfather-daughter relationship was not alleged in the information. Thus, the dispositive portion of the RTC Decision reads:

WHEREFORE, for the foregoing reasons, the herein accused ALEX CONDES Y GUANZON is found GUILTY beyond reasonable doubt as principal by direct participation of the crime of rape. There being no modifying circumstances properly alleged in the Information to be appreciated, the accused is hereby sentenced to suffer the indivisible penalty of RECLUSION PERPETUA. The accused is hereby ordered to indemnify the victim AAA P50,000.00 as civil indemnity, P50,000.00 as moral damages and P25,000.00 as exemplary damages.

SO ORDERED.^[8]

The records of the case were originally transmitted to this Court on appeal. Pursuant to *People v. Efren Mateo*,^[9] the Court issued a resolution^[10] dated January 19, 2005 transferring this case to the CA for appropriate action and disposition.

The CA eventually affirmed^[11] the guilty verdict on the basis of AAA's testimony which it found credible and sufficient to sustain a conviction. It debunked the defense of alibi of the accused holding that it was not satisfactorily established and not at all persuasive when pitted against the positive and convincing identification by the victim.

On August 29, 2008, the accused filed the Notice of Appeal,^[12] which was given due course by the CA in its Minute Resolution^[13] dated September 8, 2008.

On June 1, 2009, the Court issued the Resolution^[14] requiring the parties to submit their respective supplemental briefs. On July 7, 2009, the OSG manifested^[15] that it would forego the filing of a supplemental brief if appellant should opt not to file one. On October 12, 2009, the Court dispensed^[16] with the filing by the Public Attorney's Office of a supplemental brief for appellant when it did not file one during the prescribed period.

From the Appellant's Brief of the accused filed with the CA, he prayed for the reversal and setting aside of the guilty verdict anchored on the following:

ASSIGNMENT OF ERRORS

I

THE TRIAL COURT GRAVELY ERRED IN FAILING TO CONSIDER THE MOTIVE BEHIND THE FILING OF THE INSTANT CASE AGAINST THE ACCUSED-APPELLANT.

II

THE COURT A QUO GRAVELY ERRED IN CONVICTING THE ACCUSED-APPELLANT OF THE CRIME CHARGED ALTHOUGH HIS ACTUAL PARTICIPATION IN THE ALLEGED ACT WAS NOT PROVEN WITH CERTAINTY.

In essence, the accused claims that AAA merely concocted the accusation of rape out of hatred because she resented the hard discipline imposed by him and she feared that he would punish her once he would learn that she had a boyfriend and pregnant at that. He tags AAA's story of defloration as both preposterous and ridiculous conjured by an overly imaginative individual anchored on ill motives.

Professing innocence, he insists that he could not have possibly committed the offense charged as he was pre-occupied and even left the house on the day of the alleged commission of the sexual assault. He discredits AAA's testimony stressing that it would be difficult for him to commit the crime considering that her siblings and grandmother were staying in the same house. Thus, he concludes that the evidence for the prosecution failed to meet that quantum of proof necessary to warrant his conviction.

The OSG, on the other hand, counters that AAA's testimony was credible and sufficient to convict and that the culpability of the accused for the crime of rape was proven beyond reasonable doubt.

The Court's Ruling

The appeal must fail.

In the disposition and review of rape cases, the Court is guided by three settled principles: *First*, an accusation for rape can be made with facility and it is difficult to prove but more difficult for the accused, though innocent, to disprove; *Second*, in view of the intrinsic nature of the crime of rape where only two persons are usually involved, the testimony of the complainant must be scrutinized with extreme caution; and *Third*, the evidence for the prosecution must stand or fall on its own merits, and cannot be allowed to draw strength from the weakness of the evidence for the defense.^[17] Corollary to the above principles is the rule that the credibility of the victim is always the single most important issue in the prosecution of a rape

case.^[18] Conviction or acquittal in a rape case more often than not depends almost entirely on the credibility of the complainant's testimony because, by the very nature of this crime, it is usually the victim alone who can testify as to its occurrence.

In his Brief, the accused put in issue the credibility of AAA's testimony contending that she merely fabricated the accusation to place him behind bars and rid him out of her life forever. This contention deserves scant consideration.

Time and again, the Court has held that when the decision hinges on the credibility of witnesses and their respective testimonies, the trial court's observations and conclusions deserve great respect and are often accorded finality. The trial judge has the advantage of observing the witness' deportment and manner of testifying. Her "furtive glance, blush of conscious shame, hesitation, flippant or sneering tone, calmness, sigh, or the scant or full realization of an oath"^[19] are all useful aids for an accurate determination of a witness' honesty and sincerity. The trial judge, therefore, can better determine if witnesses are telling the truth, being in the ideal position to weigh conflicting testimonies. Unless certain facts of substance and value were overlooked which, if considered, might affect the result of the case, its assessment must be respected for it had the opportunity to observe the conduct and demeanor of the witnesses while testifying and detect if they were lying.^[20] The rule finds an even more stringent application where said findings are sustained by the CA.^[21]

In the case at bench, the Court finds no cogent reason to depart from the trial court's findings and its calibration of private complainant's credibility.

A meticulous review of the transcript of stenographic notes would show that AAA narrated in the painstaking and degrading public trial her unfortunate and painful ordeal in the hands of the accused in a logical, straightforward, spontaneous, and frank manner. There were no perceptible artificialities or pretensions that tarnished the veracity of her testimony. She recounted the tragic experience, unflawed by inconsistencies or contradictions in its material points and unshaken by the tedious and grueling cross-examination. Her declaration revealed each and every detail of the incident and gave no impression whatsoever that her testimony was a mere fabrication. Had her story been contrived, she would not have been so consistent throughout her testimony in the face of intense and lengthy interrogation.

When offended parties are young and immature girls from 12 to 16 years of age, courts are inclined to lend credence to their version of what transpired, considering not only their relative vulnerability, but also the public humiliation to which they would be exposed by a court trial, if their accusation were not true.^[22] Youth and immaturity are generally badges of truth and sincerity.^[23] It bears stressing that not an iota of evidence was presented by the defense showing that AAA's account of her defilement was not true.

Without hesitation, AAA pointed an accusing finger against the accused, her stepfather no less, as the person who sexually assaulted her on that fateful night of February 14, 1999. She vividly recalled that he poked a bolo at her neck and told her not to shout or else he would kill her. Bent on satisfying his lust, he embraced and pulled her down on the floor. He took off her pajamas, undressed himself and