

THIRD DIVISION

[G.R. No. 188669, February 16, 2010]

**PEOPLE OF THE PHILIPPINES, APPELLEE, VS. ILDEFONSO
MENDOZA Y BERIZO, APPELLANT.**

R E S O L U T I O N

NACHURA, J.:

For review is the Decision^[1] of the Court of Appeals (CA) in CA-G.R. CR-HC No. 03066, which affirmed the decision^[2] of the Regional Trial Court (RTC), Branch 207, Muntinlupa City, finding appellant Ildefonso Mendoza guilty of Statutory Rape under Article 266-A of the Revised Penal Code.

The accused was charged in an Information which reads:

The undersigned Assistant City Prosecutor accuses ILDEFONSO MENDOZA Y BERISO @ "JUN JUN" of the crime of Statutory Rape, under Art. 266-A, Par. 1(d), in relation to Art. 266-B, 1st Paragraph, of the Revised Penal Code, as amended by R.A. 8353, committed as follows:

That on or about the 28th day of May, 2003, in the City of Muntinlupa, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, being a man, by means of force, threat or intimidation, did then and there willfully, unlawfully and feloniously have carnal knowledge of the complainant, CMS, an 8-year old girl, by pressing his penis against and into the vagina of the said girl for purposes of penetrating the same for lust, against the latter's will and consent.

Contrary to law.

The factual antecedents as summarized by the CA:

During the trial, the prosecution presented, as witnesses, the private complainant herself, CMS; and eyewitness, Anna Loth Fernandez. As stated in the "Counter-Statement of Facts" in the Appellee's Brief, the thrust of its evidence is as follows:

On May 28, 2003, at about 2:30 in the afternoon, in West 3-B Cabulusan, Muntinlupa City, eight-year-old CMS, the victim, was at home inside their sala and was about to sleep when appellant Ildefonso Mendoza, a friend of her father, removed her shorts and panty, kissed and licked her vagina, and

thereafter inserted his penis in her vagina. CMS felt pain and shouted "Aay!" prompting appellant to remove his penis. Thereafter, appellant told CMS not to tell her grandmother about what happened.

Incidentally, eighteen-year-old Anna Loth Fernandez was standing in front of the door of the house of CMS at the time of the incident. Anna Loth noticed a moving blanket inside CMS's house. Curious, she went inside her house, which happened to be adjacent to the victim's house, proceeded to the second floor, then peeped through a hole on the wall, where she saw a blanket covering appellant's lower body. Also, she saw appellant pull CMS's feet, removed the latter's shorts and kissed the latter's vagina. She further saw the victim trying to escape as appellant tried to open the former's legs. At that point, Anna Loth called her cousins, her siblings and Joseph, the victim's brother, to come upstairs to see what was happening. Thereafter, the group went down, talked about what they saw, and then, decided to tell Anna Loth's mother and grandmother of the incident, as they were scared of stopping appellant from what he was doing to the victim.

Only the accused, Ildefonso Mendoza, testified in his defense. His version is succinctly stated in the Appellant's Brief as follows:

EVIDENCE FOR THE DEFENSE

To rebut the evidence of the prosecution, the lone testimony of the accused, Ildefonso Mendoza, was offered in court.

Ildefonso Mendoza was sleeping in the house of Romeo Serrada, where he was then residing, on 28 May 2003 at around 2:30 o'clock p.m. He was then unable to report to work because he was having a fever. He was awakened around 10:00 o'clock in the evening when Alice, the mother of Anna Loth, was running amuck, as there was a snake in their house. On 29 May 2003, around 1:00 p.m. in the morning, he was invited to the Barangay hall by Crispin Almeda. It was then and there that he was informed that he is being charged of raping the victim. He was even kicked while in the Barangay hall. From there, he was brought to the municipal hall, where he was incarcerated

The RTC rendered a decision, giving credence to the version of the prosecution that rape transpired:

WHEREFORE, accused is found guilty beyond reasonable doubt of the crime of statutory rape and is sentenced to suffer the penalty of reclusion perpetua. He is ordered to pay the victim Christine Mariel M. Serrada

P50,000.00 as civil indemnity, P50,000.00 as moral damages and P25,000.00 as exemplary damages. His preventive imprisonment is credited in his favor.

SO ORDERED.^[3]

On appeal, the CA affirmed the RTC:

WHEREFORE, the September 28, 2007 Decision of the Regional Trial Court, Branch 207, Muntinlupa City, in Criminal Case No. 03-391, is AFFIRMED.

SO ORDERED.^[4]

Appellant filed a notice of appeal and is now before us insisting on his innocence and beseeching the reversal of the lower courts' finding of guilt.

We abide by the identical conclusion of the lower courts that accused raped CMS.

In the review of rape cases, we are guided by the following principles: (1) an accusation for rape can be made with facility; it is difficult to prove but more difficult for the person accused, though innocent, to disprove; (2) in view of the nature of the crime of rape where only two persons are usually involved, the testimony of the complainant is scrutinized with extreme caution; and (3) the evidence for the prosecution stands or falls on its own merits and cannot be allowed to draw strength from the weakness of the defense.^[5] Ultimately, in a prosecution for rape, the complainant's credibility becomes the single most important issue.^[6]

A perusal of CMS' testimony leads us to the inevitable conclusion that appellant raped her. As the CA had found, CMS' testimony accurately and vividly details, with the aid of paper dolls, what transpired on that fateful day, to wit:

Q. What was that something bad that he did to you?

A. He removed my shorts and panly, ma'am.

Q. An then, after he removed your shorts and parity, what did he do next?

A. He kissed my vagina and licked my vagina, ma'am.

Q. Other than kissing your vagina and licking it, what else did he do?

A. He inserted his penis to my vigina, ma'am.

x x x x

SSP ALEJO:

Q. Likewise, you mentioned earlier that he kissed your vagina and then he licked it. Can you show it to us with the use of