

FIRST DIVISION

[G.R. No. 188560, December 15, 2010]

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. RICKY ALFREDO Y NORMAN, ACCUSED-APPELLANT.

D E C I S I O N

VELASCO JR., J.:

The Case

This is an appeal from the September 30, 2008 Decision^[1] of the Court of Appeals (CA) in CA-G.R. CR-H.C. No. 02135 entitled *People of the Philippines v. Ricky Alfredo y Norman*, which affirmed an earlier decision^[2] in Criminal Case Nos. 01-CR-4213 and 01-CR-4214 of the Regional Trial Court (RTC), Branch 62 in La Trinidad, Benguet. The RTC found accused-appellant Ricky Alfredo y Norman guilty beyond reasonable doubt of two counts of rape.

The Facts

Accused-appellant was charged in two (2) separate Informations, the accusatory portions of which read:

Criminal Case No. 01-CR-4213

That sometime in the period from April 28-29, 2001, at Cadian, Topdac, Municipality of Atok, Province of Benguet, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, by means of force, intimidation and threats, did then and there willfully, unlawfully and feloniously have carnal knowledge with one [AAA],^[3] a thirty six (36) year old woman, against her will and consent, to her damage and prejudice.

CONTRARY TO LAW.^[4]

Criminal Case No. 01-CR-4214

That sometime in the period from April 28-29, 2001, at Cadian, Topdac, Municipality of Atok, Province of Benguet, Philippines, and within the jurisdiction of the Honorable Court, the above-named accused, by means of force, intimidation and threats, did then and there willfully, unlawfully and feloniously commit an act of sexual assault by inserting a flashlight into the vagina of one [AAA], a thirty six (36) year old woman, against her will and consent, to her damage and prejudice.

CONTRARY TO LAW.^[5]

On June 21, 2001, accused-appellant, with the assistance of counsel, pleaded not guilty to both charges. Thereafter, trial on the merits ensued.

During the trial, the prosecution offered the oral testimonies of the victim, AAA; her 10-year old son, BBB; Ernesto dela Cruz; Police Officer 3 James Ruadap; and Dr. Alma Ged-ang. On the other hand, the defense presented as its witnesses accused-appellant himself; his mother, Remina; his sister, Margaret; Hover Cotdi; Jona Canuto; and Pina Mendoza.^[6]

The Prosecution's Version of Facts

In March 2001, AAA, who was six months pregnant, went home to Butiyao, Benguet, along with her family, to harvest the peppers planted in their garden. On April 27, 2001, AAA and her son, BBB, returned to their sayote plantation in Cadian, Topdac, Atok, Benguet to harvest sayote. The following day, or on April 28, 2001, AAA had the harvested sayote transported to Baguio City. Later that night, she and her son stayed at their rented shack and retired early to bed.^[7]

In the middle of the night, AAA was awakened by a beam of light coming from the gaps in the walls of the shack directly illuminating her face. She then inquired who the person was, but nobody answered. Instead, the light was switched off. After a few minutes, the light was switched on again.^[8] Thereafter, a male voice shouted, "*Rumwar kayo ditta no saan kayo nga rumwar paletpeten kayo iti bala!*"^[9] AAA remained seated. Then, the male voice uttered, "*Lukatam daytoy no saan mo nga lukatan bilangan ka, maysa, duwa...*"^[10] AAA immediately woke BBB up. Just then, the male voice said, "*Pabitaken kayo iti bala.*"^[11] AAA cried out of fear.^[12]

Anxious that the person outside would kill her and her son, AAA lit the gas lamp placed on top of the table, and opened the door while her son stood beside it. As the door opened, she saw accused-appellant directly in front of her holding a flashlight. AAA did not immediately recognize accused-appellant, as his hair was long and was covering his face. She invited him to come inside the shack, but the latter immediately held her hair and ordered her to walk uphill.^[13] Helpless and terrified, AAA obeyed him. All the while, accused-appellant was behind her.^[14]

Upon reaching a sloping ground, accused-appellant ordered AAA to stop. Thereafter, accused-appellant placed the lit flashlight in his pocket and ordered AAA to remove her clothes. When she refused, accused-appellant boxed her left eye and removed her clothes. When she also attempted to stop accused-appellant, the latter angrily slapped her face. Completely naked, AAA was again ordered to walk uphill.^[15]

Upon reaching a grassy portion and a stump about one foot high, accused-appellant ordered AAA to stop and lie on top of the stump, after accused-appellant boxed her thighs. Accused-appellant then bent down and spread open AAA's legs. After directing the beam of the flashlight on AAA's naked body, accused-appellant removed his pants, lowered his brief to his knees, went on top of her, and inserted

his penis into her vagina. Accused-appellant threatened to box her if she moves.^[16]

Accused-appellant also held AAA's breast, as well as the other parts of her body. He shifted the flashlight from one hand to another while he moved his buttocks up and down. AAA cried as she felt severe pain in her lower abdomen. Accused-appellant stood up and directed the beam of the flashlight on her after he was satisfied.^[17]

Ten minutes later, accused-appellant went on top of AAA again and inserted his penis into her vagina and moved his buttocks up and down. After being satisfied, accused-appellant stood up and lit a cigarette.^[18]

Afterwards, accused-appellant went on top of AAA again and tried to insert his penis in the latter's vagina. His penis, however, has already softened. Frustrated, accused-appellant knelt and inserted his fingers in her vagina. After removing his fingers, accused-appellant held a twig about 10 inches long and the size of a small finger in diameter which he used to pierce her vagina. Dissatisfied, accused-appellant removed the twig and inserted the flashlight in her vagina.^[19]

After accused-appellant removed the flashlight from AAA's vagina, he went on top of her again, pressing his elbows on her upper breasts and boxing her shoulders and thighs. Subsequently, accused-appellant stood up and warned her not to report the incident to the authorities. Immediately after, he left her at the scene.^[20]

Since she was too weak to walk, AAA rested for about 15 minutes before she got up and went back to the shack where she immediately woke her son up. Thereafter, they proceeded to the highway and boarded a jeep to Camp 30, Atok, Benguet. She also went to Sayangan, Atok, Benguet the following day to report the incident to the police authorities.^[21]

Upon medical examination, Dr. Ged-ang found that AAA had a subconjunctival hemorrhage on the right eye and multiple head injuries, which may have been caused by force such as a blow, a punch, or a hard object hitting the eye. There was also tenderness on the upper part of the back of AAA, as well as on her left infraclavicular area below the left clavicle, left flank area or at the left side of the waist, and medial aspect on the inner part of the thigh. Moreover, there were also multiple linear abrasions, or minor straight open wounds on the skin of her forearms and legs caused by sharp objects with rough surface.^[22]

Apart from the external examination, Dr. Ged-ang also conducted an internal examination of the genitalia of AAA. Dr. Ged-ang found that there was confluent abrasion on the left and medial aspects of her *labia minora* about five centimeters long and a confluent circular abrasion caused by a blunt, rough object that has been forcibly introduced into the genitalia.^[23]

Version of the Defense

In the morning of April 28, 2001, accused-appellant was allegedly working in the *sayote* plantation near his house. At noontime, he went home to eat his lunch. After having lunch, his mother told him to bring the pile of *sayote* she harvested to the edge of the road. Accused-appellant went to the place where the pile of

harvested *sayote* was placed. However, when he reached that place, he claimed that he saw AAA gathering the *sayote* harvested by his mother and placing them in a sack.^[24]

Upon seeing what AAA was doing, accused-appellant shouted at her, prompting AAA to run away with her son and leave the sack of *sayote*. When they left, accused-appellant started placing the harvested *sayote* in the sack. He was able to fill eight sacks. Remembering that his mother told him that he would be able to fill 10 sacks all in all, accused-appellant went to the shack of AAA after bringing the eight sacks near the road. He suspected that she and her son were the ones who took the two missing sacks of *sayote*.^[25]

When he arrived at the place where AAA and her son were staying, accused-appellant allegedly saw them packing *sayote*, and he also supposedly saw a sack of *sayote* with the name of his father printed on it. For this reason, accused-appellant got mad and told AAA to go away and leave the place because what they were doing was wrong. AAA replied by saying that she would wait for Hover Cotdi, the owner of the *sayote* plantation and the shack, to ask for permission to leave. All this time, accused-appellant was allegedly speaking in an angry but non-threatening voice. Nonetheless, while he was confronting AAA, her son ran into the shack and stayed there.^[26]

Before leaving the place, accused-appellant told AAA that the sacks of *sayote* belonged to his family, although he decided not to take them back anymore. He supposedly left after five o'clock in the afternoon and arrived at their house at around seven o'clock in the evening. During this time, all his family members were watching television on Channel 3. Accused-appellant joined them in watching a Tagalog movie. He then allegedly went to bed at 10 o'clock in the evening, while his parents continued to watch television until 11 o'clock in the evening.^[27]

The following morning, on April 29, 2001, accused-appellant woke up between six to seven o'clock in the morning. After having breakfast, he helped his mother clean the *sayote* farm. At around eight o'clock in the morning, he saw AAA by the road waiting for a ride with a baggage placed in a carton box. His mother then went down the road and talked to AAA, leaving accused-appellant behind. He claimed to pity AAA upon seeing her but could not do anything.^[28]

Ruling of the Trial Court

Between the two conflicting versions of the incident, the trial court gave credence to the version of the prosecution and rendered its Decision dated February 17, 2006, finding accused-appellant guilty of two counts of rape. The decretal portion reads:

WHEREFORE, in view of the foregoing, the Court finds RICKY ALFREDO y NORMAN guilty beyond reasonable doubt of the crime of Rape in Criminal Case No. 01-CR-4213 and sentences him to suffer the penalty of *reclusion perpetua* including all the accessory penalties imposed by law.

The Court, likewise, finds him guilty beyond reasonable doubt of the crime of Rape in Criminal Case No. 01-CR-4214 and sentences him to

suffer the indeterminate penalty of imprisonment of three (3) years, two (2) months and one (1) day of *prision correccional*, as minimum, and eight (8) years, two (2) months and one (1) day of *prision mayor*, as maximum.

For each count of rape, he shall pay [AAA] the sum of Fifty Thousand Pesos (Php50,000.00) by way of civil indemnity and the sum of Fifty Thousand Pesos (P50,000.00) by way of moral damages.

Pursuant to Administrative Circular No. 4-92-A of the Court Administrator, the Provincial Jail Warden of Benguet Province is directed to immediately transfer the said accused, Ricky Alfredo y Norman to the custody of the Bureau of Corrections, Muntinlupa City, Metro Manila after the expiration of fifteen (15) days from date of promulgation unless otherwise ordered by the court.

Let a copy of this Judgment be furnished the Provincial Jail Warden of Benguet Province for his information, guidance and compliance.

SO ORDERED.^[29]

Pursuant to our pronouncement in *People v. Mateo*,^[30] modifying the pertinent provisions of the Revised Rules on Criminal Procedure insofar as they provide for direct appeals from the Regional Trial Court to this Court in cases in which the penalty imposed by the trial court is death, *reclusion perpetua*, or life imprisonment, the case was transferred, for appropriate action and disposition, to the CA.

On August 17, 2006, accused-appellant filed his Brief for Accused-Appellant,^[31] while the People of the Philippines, through the Office of the Solicitor General, filed its Brief for the Plaintiff-Appellee^[32] on January 18, 2007.

Ruling of the Appellate Court

As stated above, the CA, in its Decision dated September 30, 2008, affirmed the judgment of conviction by the trial court.^[33]

Undaunted, accused-appellant filed a motion for reconsideration, which was denied by the CA in its Resolution dated March 19, 2009.^[34]

On April 21, 2009, accused-appellant filed his Notice of Appeal^[35] from the CA Decision dated September 30, 2008.

In our Resolution dated September 14, 2009,^[36] we notified the parties that they may file their respective supplemental briefs if they so desired. On November 9, 2009, the People of the Philippines manifested that it is no longer filing a supplemental brief, as it believed that all the issues involved in the present controversy have been succinctly discussed in the Brief for the Appellee.^[37] On the other hand, on January 26, 2010, accused-appellant filed his supplemental brief.