573 Phil. 577

SECOND DIVISION

[G.R. No. 177770, March 28, 2008]

PEOPLE OF THE PHILIPPINES, Appellee, vs. JOSE HENRY ROBLES y NUDO, Appellant.

D E C I S I O N

TINGA, J,:

Fifty-four (54) informations[1] for qualified rape[2] accusing appellant Jose Henry Robles y Nudo of raping his fourteen (14)-year old niece, AAA,[3] were filed before the Regional Trial Court (RTC) of Pasig City, Branch 163.[4] The informations were similarly worded except for the dates of the commission of the crime since the alleged rapes were committed daily from August 1 until August 27 of 2002.[5]

The appellant pleaded not guilty to all the charges against him during the arraignment. During the pre-trial, the parties stipulated that the appellant is an uncle of AAA, he being the brother of the victim's mother; and that the appellant and the victim lived in different houses within the same compound.[6]

The prosecution presented the victim, AAA, and her mother, BBB[7] as witnesses. AAA testified that on 29 July 2002 she went to stay in the house of appellant as their house in West Bank, Floodway, Pasig City was flooded. BBB stayed at the house of her other brother, CCC,[8] whose house was adjacent to appellant's house and separated only by a wall. Appellant, whose wife was working in Hong Kong as a domestic helper, lived with his 10-year old son, Christopher and a housekeeper named Sonny.[9] AAA, appellant and Christopher slept together in one of the two rooms at the second floor of the house as the other room was used as a stockroom, whereas Sonny slept in the room downstairs.[10]

AAA testified that she was first raped by appellant on 1 August 2002. On that day, AAA proceeded to the bedroom to rest upon arriving from school. AAA testified that at around 5:00 p.m., appellant, wearing only his briefs, entered the room, woke her up, and asked her to have sex with him. Upon seeing appellant remove his briefs, she rose and sat on the side of the bed afraid. Appellant then pulled her and forced her to lie down. He undressed her and threatened to maul her if she resisted. AAA testified that the appellant threatened her with a .38 caliber pistol. The appellant placed himself on top of the naked body of AAA, kissed her lips and neck, then mashed her breasts and sucked her nipples. Appellant stroked his penis to have an erection, then forced it into AAA's vagina. AAA cried in pain but could not resist or shout as appellant threatened to whip her. While mounted on AAA, appellant made repeated up and down movements for about 30 minutes. AAA tried to push the appellant away, but her efforts were in vain because the appellant was on top of her and tightly embracing her all the while.

After he had finished, the appellant put his briefs on, and told her to put on her clothes and not to tell anyone about what had happened. AAA rushed to dress up and just said yes to her uncle. Thereafter, she locked herself in the bathroom and took a bath. She had difficulty standing up, and felt pain when urinating as if there was a wound. Blood oozed from her private part and it hurt when she washed it. This was the first time she had sex with a man, and she was just 14 years old then. [11]

AAA testified that after the incident, she was not allowed by the appellant to go out alone; he followed her to school and on her way home, which made her afraid to report the incident to her teachers. He would also lurk in the school premises, and would follow her on her way home after school on his bike.[12]

AAA also testified that appellant repeatedly had sexual intercourse with her everyday since the first rape on August 1 up to August 27 of 2002. She could not resist because the appellant threatened to kill her and her mother. She was being watched when she went to school and on her way home. After school, she went straight to appellant's house because she had no other place to go. She was shy to ask her uncle CCC to accommodate her in his house because her mother was already staying with him.[13] Appellant would not allow AAA to talk with her mother though the latter stayed in the adjoining house.[14] She seldom talked with her mother when she was staying with appellant.[15]

DDD,[16] the common-law wife of AAA's brother who stayed for two days at appellant's house that August, noticed that AAA was being treated by appellant as his wife. Appellant would always want AAA to be at his side and to wash his clothes. DDD confronted AAA about appellant's treatment of her, and was told of the series of rapes. DDD told AAA's sister about the rape and the latter was the one who relayed the news to their mother, BBB, on 28 August 2002. After BBB confirmed the tale from AAA herself, she then went to the Department of Social Welfare and Development (DSWD) to seek advice and help. Fortuitously, after arriving from her trip to the DSWD, appellant was already arrested by the police because of similar complaints for rape filed by three of his other nieces.[17]

P/Sr. Inspector Pierre Paul Carpio conducted a medico-legal examination on AAA. His findings are contained in his Medico-Legal Report No. M-2528-02,[18] which the defense admitted.[19]

The defense presented appellant as its sole witness. He denied the charges of rape made against him by AAA. He testified that AAA never stayed with him at his house, and that it was only AAA's siblings who had ever stayed with him. He admitted that while it is true that the house of his sister in Floodway was flooded, AAA actually stayed with the daughter-in-law of BBB and that the latter stayed with CCC at the adjacent house. He further claimed that from June to November 2002, he was renovating his house and he enlisted the help of Roger Fuentes, Dominador Sabas, Crispin Salisa, Sonny, and a certain Kalbo. Roger Fuentes, along with Sonny and Kalbo, would usually report to work at around 8:00 a.m. and sometimes rendered overtime work up to twelve o'clock midnight. Sabas and Salisa would do their work between 8:00 a.m. up to 5:00 p.m. He claimed also that he does not own a gun.[20]

The parties stipulated that the defense witness Roger Fuentes, if called to the witness stand, would corroborate the testimony of appellant that the former was at the latter's house doing carpentry work during one of the incidents complained of. [21]

In its Decision dated 27 September 2004, the RTC convicted the appellant of only one count of simple rape and acquitted him of the 53 other charges.[22] As to the rape that occurred on 1 August 2002, the RTC gave credence to the testimony of AAA, holding that appellant's defenses of alibi and denial cannot prevail over his positive identification by AAA her assailant. However, the RTC held that the prosecution failed to prove the qualifying circumstance of minority to warrant the imposition of the death penalty as it did not present in evidence AAA's birth certificate to prove her age and thereby complement the stipulation as to their relationship. As to the other charges, the trial court held that it doubted whether or not the same was done with force and/or intimidation since AAA had ample opportunity to report the rape to her parent or to other persons such as her teachers. The lower court was not convinced that appellant guarded AAA at all times so as to preclude even the slightest opportunity for her to communicate her ordeal to her relatives or teachers. It further noted that AAA, who was already 14 years old at the time of the rape, could have exercised better judgment than to return to her uncle's house only to be raped 53 more times.

Appellant appealed[23] the case to the Court of Appeals and assigned two errors before it which are both factual in nature, to wit: (1) the trial court gravely erred in giving full weight and credence to the testimony of private complainant, and; (2) the trial court gravely erred in finding appellant guilty beyond reasonable doubt of the crime charged despite the patent weakness of the prosecution's evidence.[24]

The appellate court affirmed the decision of the trial court,[25] holding that there was no reason to deviate from the trial court's finding that AAA was raped on 1 August 2002. Undaunted, appellant appealed the decision of the Court of Appeals to this Court.[26]

There is no cogent reason to disturb the finding of guilt made by the RTC and affirmed by the Court of Appeals. The issues raised by appellant involve weighing of evidence already passed upon by the trial court and the appellate court. The age-old rule is that the task of assigning values to the testimonies of witnesses in the stand and weighing their credibility is best left to the trial court which forms its first-hand impressions as a witness testifies before it. It is also axiomatic that positive testimony prevails over negative testimony.[27]

Our courts have been traditionally guided by three settled principles in the prosecution of the crime of rape: (1) an accusation for rape is easy to make, difficult to prove and even more difficult to disprove; (2) in view of the intrinsic nature of the crime, the testimony of the complainant must be scrutinized with utmost caution; and (3) the evidence of the prosecution must stand on its own merits and cannot draw strength from the weakness of the evidence of the defense.[28] In a prosecution for rape, the complainant's candor is the single most important issue. If a complainant's testimony meets the test of credibility, the accused may be convicted on the sole basis thereof. [29]

We have thoroughly examined AAA's testimony and find nothing that would cast doubt as to the credibility of her account of the first rape. AAA, who was only 14 years old at the time of the occurrence of the crime, clearly and candidly testified how she was raped on 1 August 2002 and that it was the appellant who raped her on that day. In the afternoon of 1 August 2002, at around 5:00, she was sleeping in their room on the second floor after coming home from school. Appellant, who was wearing only his briefs, entered the room and woke her up. He asked AAA to have sex with him. Frightened, she refused the advances of the appellant, and quickly rose and sat at the side of their family side bed. [30] However, appellant succeeded in having his way with AAA by threatening to maul her; he even showed her his .38 caliber pistol which he drew to AAA's side as he was having sexual intercourse with her.[31]

Well-established is the rule that testimonies of rape victims, especially child victims, are given full weight and credit.[32] It bears emphasis that the victim was only 14 years old when she was raped. In a litany of cases, we have applied the well-settled rule that when a woman, more so if she is a minor, says she has been raped, she says, in effect, all that is necessary to prove that rape was committed.[33] Courts usually give greater weight to the testimony of a girl who is a victim of sexual assault, especially a minor, particularly in cases of incestuous rape, because no woman would be willing to undergo a public trial and put up with the shame, humiliation and dishonor of exposing her own degradation were it not to condemn an injustice and to have the offender apprehended and punished.[34]

The appellant tried to show reasonable doubt on his guilt by harping on minor factual matters and seeming inconsistencies. The first inconsistency arose from AAA's testimony during cross-examination that the was raped in the morning of 1 August 2002, a fact undisclosed in her sworn statement given before the police and inconsistent with her testimony that she was raped in the afternoon on that day. The second inconsistency was AAA's failure to mention in her sworn statement before the police the existence of a gun which appellant used to threaten her.

The Court has ruled on numerous occasions that minor inconsistencies in rape cases will not necessarily derail the testimony of the offended party because rape victims cannot be expected to be errorless in the recount of details of a clearly harrowing experience.[35] And far from detracting from the veracity of the rape victim's testimony, such minor inconsistencies in fact tend to bolster it.[36] AAA could not be faulted if she could not consistently recall whether she was raped in the morning or in the afternoon of 1 August 2002. But her straightforward testimony on direct examination shows that she was first raped in the afternoon and not in the morning of that day. Her subsequent confusion as to the time of the rape during cross-examination is understandable since her testimony relates to 54 counts of rape. Similarly, AAA may have forgotten to mention the existence of the gun in her sworn statement, which was made by the police in a question-and-answer format, but nevertheless, in her testimony, she candidly related her family's and the police's effort to locate the gun after the arrest of the appellant. These are just minor details which do not affect the substance of her testimony. The alleged inconsistency does not detract from the fact that AAA has been raped on 1 August 2002.