

## SECOND DIVISION

[ G.R. No. 174098, September 12, 2008 ]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.  
REYNALDO TECZON Y PASCUAL, ACCUSED-APPELLANT.**

### D E C I S I O N

**VELASCO JR., J.:**

#### **The Case**

This is an appeal from the Decision<sup>[1]</sup> dated March 31, 2006 of the Court of Appeals (CA) in CA-G.R. CR-H.C. No. 01951 entitled *People of the Philippines v. Reynaldo Teczon* which affirmed the Judgment<sup>[2]</sup> dated June 22, 2001 of the Regional Trial Court (RTC), Branch 30 in San Pablo City in Criminal Case No. 12619-SP. The RTC found accused-appellant Reynaldo Teczon guilty of rape and imposed upon him the penalty of *reclusion perpetua*.

#### **The Facts**

On October 10, 2000, complainant AAA,<sup>[3]</sup> then 14 years old, accompanied her aunt to school for the latter to attend the Parents and Teachers' Association meeting. While the aunt was in the meeting, complainant left to get some refreshments outside the school.

On her way back, complainant chanced upon accused-appellant who, upon seeing her, invited her to eat in his house. She declined the invitation despite accused-appellant's persistence. Failing to convince complainant, accused-appellant pulled out a fan knife and pointed it on the left side of complainant's neck and warned her not to shout for help.<sup>[4]</sup>

Accused-appellant then dragged complainant to a forested area. Still pointing the knife at complainant, accused-appellant removed his clothes. Thereafter, he undressed complainant, laid her on the ground, and kissed her lips, neck, and breasts. He then went on top of her and inserted his penis into her vagina. He pumped continuously and the assault lasted for about 20 minutes. Thereafter, accused-appellant allowed complainant to put her clothes back on. Accused-appellant threatened to kill AAA if she revealed the incident to anybody.<sup>[5]</sup>

While accused-appellant was buttoning his pants, complainant ran away and went back to her school. There she met some of her schoolmates who inquired why she looked disheveled. She dismissed them by saying that she had a fight with a girl who made fun of her. One student, however, reported the matter to their class adviser, who also asked her what happened. She continued to conceal the truth and again explained that she merely had a quarrel with a girl outside the school. The

class adviser asked complainant to bring her mother to school the next day.<sup>[6]</sup>

Complainant slept at her schoolmate's house that night. The next day, she revealed to her mother what had happened. Her mother shared the information with complainant's class adviser. Complainant readily confirmed the report and pointed to accused-appellant as the assailant.<sup>[7]</sup>

Complainant, accompanied by her mother, then went to the San Pablo District Hospital for examination. Dr. Arlene Bicomong, the examining physician, found that complainant's hymen was no longer intact and that she had a vaginal laceration at the 6 o'clock position.<sup>[8]</sup>

Consequently, an Information for rape was filed against accused-appellant.<sup>[9]</sup> It reads:

That on or about October 10, 2000, in the City of San Pablo, Republic of the Philippines and within the jurisdiction of this Honorable Court, the accused above-named, with lewd design and by means of force and intimidation, did then and there willfully, unlawfully and feloniously have sexual intercourse with one [AAA], 14 years old, against her will and consent.

That the commission of the offense is aggravated by the use of deadly weapon with which the accused was then conveniently provided and that the crime committed is qualified by the fact that the victim is below eighteen (18) years old.

During trial, accused-appellant interposed the defense of denial. He claimed that AAA charged him with rape because he witnessed her committing an indecent act on the same day that the alleged rape occurred. He said that on October 10, 2000 at about 2 o'clock in the afternoon, he left home to see an *albularyo* (quack doctor) and have his boils treated. On his way, he accidentally saw a young man on top of a girl behind some tall plants about 10 to 15 meters away from the road. Upon noticing that the two were having sex, he shouted at them, and they suddenly scampered in different directions. He did not know the youngsters but he knew that they are students of the nearby school because of the girl's uniform. He disclosed the incident with the *albularyo* and with the school's canteen operator. He came to know the name of the girl only after the accusation against him was made.<sup>[10]</sup>

On June 22, 2001, the RTC rendered a Judgment, the dispositive portion of which reads:

WHEREFORE, his guilt having been established and proved beyond reasonable doubt for the crime of rape under RA 8353, the Court hereby sentences the accused Reynaldo Tec[z]on y Pascual to suffer the penalty of *reclusion perpetua* to indemnify [AAA], the amount of [Php] 50,000.00 for moral damages and to pay costs.

SO ORDERED.<sup>[11]</sup>

Accused-appellant filed a Notice of Appeal and the records of the case were forwarded to this Court for review. The case was originally docketed as G.R. No.

151201. In accordance with *People v. Mateo*,<sup>[12]</sup> however, this Court, in its February 7, 2005 Resolution, transferred the case to the CA for intermediate review.

### **The Ruling of the CA**

On March 31, 2006, the CA affirmed the June 22, 2001 Judgment of the RTC. Convinced of the credibility of the complainant, the CA dismissed the alleged inconsistencies in complainant's testimony. Further, it observed that there was nothing in the records that would show that complainant harbored any ill motive to charge accused-appellant as the sole perpetrator of the crime.

Moreover, the CA dismissed accused-appellant's alibi that the boils near his groin made it impossible for him to have sex. The CA noted that accused-appellant's claim was negated by the testimony of his own witness and examining physician when the latter testified that sexual intercourse was possible despite the boils.

Hence, we have this appeal.

### **The Issues**

In a Resolution dated December 4, 2006, this Court required the parties to submit supplemental briefs if they so desired. On August 29, 2007, accused-appellant, through counsel, signified that he was no longer filing a supplemental brief. Thus, the issues raised in accused-appellant's Brief dated February 3, 2003 are now deemed adopted in this present appeal:

#### **I**

That the lower court gravely erred in not giving weight and credit [to] the immediate report by the accused-appellant of having seen the rape-victim engaging in sexual congress with a young man on the date and time in question.

#### **II**

That the lower court committed reversible error by relying totally on the testimony of the complainant [despite] attendant facts and circumstances rendering her as an incredible witness-victim.

#### **III**

That the lower court erred in faulting the accused for not presenting during the trial Jeffrey Manalo, the sexual partner of the rape-victim seen by the accused in their consensual sexual affair.

#### **IV**

That the lower court gravely erred in adjudging the appellant guilty beyond reasonable doubt [despite] the foregoing assigned errors vis-à-vis the credible evidence of the defense negating moral certainty of his conviction.<sup>[13]</sup>