

FIRST DIVISION

[G.R. No. 177354, November 14, 2008]

**PEOPLE OF THE PHILIPPINES, APPELLEE, VS. RICARDO TALAN Y
DOE @ CARDING, APPELLANT.**

D E C I S I O N

CARPIO, J.:

The Case

This is an appeal from the 30 November 2006 Decision^[1] of the Court of Appeals in CA-G.R. CR HC No. 00410 affirming the 4 November 2004 Joint Judgment^[2] of the Regional Trial Court (RTC), Judicial Region V, Branch 57, Libmanan, Camarines Sur, in Criminal Case Nos. L-3373 and L-3599. The trial court found Ricardo Talan y Doe alias Carding (Talan) guilty beyond reasonable doubt of two counts of forcible abduction with rape.

The Facts

AAA was born on 15 July 1984. She resided in Poblacion Zone 2, Del Gallego, Camarines Sur. She is the niece of Talan.

On 16 May 2000, Talan asked AAA if she wanted to study at the University of the Philippines, Diliman for free. AAA said yes. Talan told AAA that he knew three women who were offering a scholarship and whom they should meet in Barangay Pinagdapián, Del Gallego, Camarines Sur.

On 17 May 2000, at around 8 a.m., AAA and Talan went to Barangay Pinagdapián. When they arrived at the supposed meeting place, the three women were not there. AAA and Talan went to a hut owned by Talan, then went to a place with banana trees. There, Talan raped AAA: (1) he told her to undress; (2) he threatened to kill her, her parents and her siblings; (3) he pushed her to the ground; (4) he told her that they will do three positions; (5) he kissed her lips; (6) he sucked her breasts; (7) he licked her vagina; (8) he inserted his penis in her vagina; and (9) he told her not to tell anyone about what happened. After raping AAA for around 15 minutes, Talan rested for around five minutes. Talan then raped AAA again for around 10 minutes. Because of fear, AAA did not tell anyone about the incident.

On 30 May 2000, at around 8 p.m., AAA was on her way home from a friend's house. Talan (1) approached AAA; (2) forced AAA to go with him; (3) told AAA that the supposed persons who wanted to kill her were at her house; (4) dragged AAA towards the highway where a tricycle was waiting; (5) brought AAA to Tagkawayan, Quezon, using the tricycle; (6) forced AAA to board a bus going to Santa Elena, Camarines Norte; and (7) brought AAA to a hut in the middle of rice fields in

Barangay San Lorenzo. A certain Graciano Romano (Romano) owned the hut. AAA and Talan spent the night in the hut.

On 1 June 2000, Talan (1) poked a knife on AAA's neck; (2) threatened to kill AAA; (3) undressed AAA; (4) mounted AAA; and (5) inserted his penis in AAA's vagina.

On 2 June 2000, AAA's uncles and Talan's brothers, Marcus and Rodolfo Talan (Marcus and Rodolfo), went to Santa Elena, Camarines Norte, to look for AAA. Romano informed Marcus and Rodolfo that AAA and Talan were there. Marcus and Rodolfo sought the help of the members of the barangay tanod. Two members of the barangay tanod searched for AAA and Talan. When the barangay tanod members saw AAA and Talan, they handcuffed Talan and brought him to the police station.

On 5 June 2000, Dr. Ma. Rizalina B. Adalid (Dr. Adalid) examined AAA. Dr. Adalid found "incomplete healed, hymenal laceration at 9 o'clock position."

In an Information dated 13 August 2001, Talan was charged with forcible abduction with rape. The case was docketed as Criminal Case No. L-3373. The Information stated:

That on or about 8:00 o'clock p.m. of May 30, 2000, at Barangay Poblacion, Zone 2, Del Gallego, Camarines Sur, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, with lewd design, willfully, unlawfully and feloniously, abduct [AAA], his fifteen (15) year old niece, against her will and without her consent by forcibly taking her to San Lorenzo Ruiz, Sta. Elena, Camarines Norte, and thereat on June 1, 2000 at around 10:00 o'clock in the evening, with force, violence and intimidation and while armed with a knife succeeded in having sexual intercourse with aforesaid victim against her will and without her consent to her damage and prejudice.^[3]

In another Information dated 16 July 2002, Talan was charged with forcible abduction with rape. The case was docketed as Criminal Case No. L-3599. The Information stated:

That on or before 8:30 o'clock in the morning of May 17, 2000 at Zone 2, Bgy. Poblacion, Del Gallego, Camarines Sur, Philippines, and within the jurisdiction of this Honorable Court and the above-named accused, by means of deceit, did then and there, willfully, unlawfully and feloniously take the victim, [AAA], 15 yrs. old, to Bgy. Pinagdapián, Del Gallego, Camarines Sur, under the [pretext] that students from the University of the Philippines are waiting for them to talk to her about the possibility of sending her to school for free, but once there, through force, threat and intimidation and fraudulent machination, had carnal knowledge with the victim against her will for three (3) times, allowing the victim to leave for home after 10:30 o'clock in the morning but only after warning her not to tell anyone or else he will kill her, to her damage and prejudice.^[4]

Talan pleaded not guilty to both charges. According to him, (1) he was cutting and gathering bamboos with his nephew in Barangay Pinagdapián on 17 May 2000; (2) he brought AAA to Santa Elena, Camarines Norte, to protect her from the persons

who wanted to kill her; and (3) his siblings filed the present case against him because they were interested in his lands.

The RTC's Ruling

In its 4 November 2004 Joint Judgment, the trial court found Talan guilty beyond reasonable doubt of two counts of forcible abduction with rape:

WHEREFORE, the prosecution having duly proved the guilt of the accused in these two cases for forcible abduction with rape, this court finds accused **RICARDO TALAN y DOE Alias "Carding" GUILTY** of the crimes as charged and hereby imposes against said accused the supreme penalty of **DEATH** in Criminal Case No. L-3373 and the penalty of **RECLUSION PERPETUA** in Criminal Case No. L-3599 and in line with recent jurisprudence where the death penalty is imposed he is hereby ordered to indemnify the victim [AAA], the amount of Seventy[-]Five Thousand Pesos (P75,000.00) as civil indemnity in Criminal Case No. L-3373 and Fifty Thousand Pesos (P50,000.00), as civil indemnity in Criminal Case No. L-3599 and the further sum of One Hundred Thousand Pesos (P100,000.00) as moral damages in these two cases.^[5]

On appeal, Talan claimed that the trial court erred in finding him guilty beyond reasonable doubt of two counts of forcible abduction with rape: (1) the trial court relied solely on AAA's testimony as the basis for its judgment; (2) that AAA did not cry for help while Talan was bringing her to Santa Elena, Camarines Norte, was improbable; and (3) denial was a valid defense. Talan also claimed that, assuming that he was indeed guilty of the charges, the trial court erred in considering the qualifying circumstance of relationship in Criminal Case No. L-3373.

The Court of Appeals' Ruling

In its 30 November 2006 Decision, the Court of Appeals affirmed the trial court's Joint Judgment with modification:

WHEREFORE, premises considered, herein appeal is hereby **DISMISSED**. The assailed Decision is hereby **AFFIRMED** with **MODIFICATION**, the penalty of Death imposed by the court *a quo* in Criminal Case No. L-3373, is reduced to **Reclusion Perpetua**. Likewise, the civil indemnity to be awarded to the Victim in Criminal Case No. L-3373 is hereby reduced to **Fifty Thousand (Php 50,000.00) Pesos**.^[6]

Hence, this appeal.

The Court's Ruling

An appeal in a criminal case opens the entire case for review. The Court can correct errors unassigned in the appeal.^[7]

The Court finds Talan guilty beyond reasonable doubt of two counts of rape. Forcible abduction is absorbed in the crime of rape if the real objective of the accused is to rape the victim.^[8] Based on the records, the real objective of Talan was to rape AAA when he brought her to the place with banana trees and to Santa

Elena, Camarines Norte.

Talan claimed that the lower courts erred in relying solely on AAA's testimony. The Court is not impressed. In rape cases, the credibility of the victim's testimony is almost always the single most important factor. When the victim's testimony is credible, it may be the sole basis for the accused's conviction.^[9]

The evaluation of the credibility of the witnesses' testimonies is a matter best left to the trial court because it has the opportunity to observe the witnesses and their demeanor during the trial. The Court accords great respect to the trial court's findings, unless the trial court overlooked or misconstrued substantial facts which could have affected the outcome of the case.^[10]

In the present case, the trial court found AAA's testimony credible. The trial court held that, "Evaluating the evidence presented both by the prosecution and the defense, this court gives more credence to the testimony of the prosecution witnesses as against the alibi and denial posited by the accused." The trial court added that, "This court x x x noted that when [AAA] was describing how accused raped her she cried for at least two times."

Indeed, the Court finds AAA's testimony convincing:

Q: How did you know that your uncle were [sic] forcibly removing your T-shirt?

A: I was awoken [sic] and I looked at him.

Q: Now, when you looked at him and when you said he was forcibly removing your T-shirt, what did you do?

A: I was crying.

Q: Why were you crying?

A: Because he poked a knife on my neck.

x x x x

Q: Now, after this accused able [sic] to remove your T-shirt, what did the accused do next, if any?

A: He was forcibly removing my short [sic] and underwear.

Q: And while he was according to you forcibly removing your short [sic] and underwear, what were you doing also?

A: I was crying.

x x x x

Q: After he removed your short [sic] and panty, what did the accused do next?

A: He also removed his underwear.

x x x x

Q: After he was removing [sic] his underwear and you said he was already naked, what did the accused do next?

A: He forcibly opened my two (2) legs.

x x x x

Q: And what was your position as well as the accused when he forcibly opening [sic] your legs?

A: I was lying on my back.

Q: What about him, what was his position to you [sic]?

A: He was on top of me.

Q: Now, after he opened your legs and according to you he forcibly opened your legs, what did the accused do next, if any?

A: He was trying to insert his penis into my vagina.

INTERPRETER: Witness is demonstrating by making push and pull movements.

x x x x

Q: And what did you feel if any when he inserted his penis into your vagina?

A: I felt pain.

Q: What were you doing while he was inserting his penis and making push and pull movements on top of you?

A: I was crying.

Q: Why were you crying?

A: I am afraid, sir.^[11]

x x x x

Q: What did you feel when you were being told to undress yourself?

A: He told me if I will not undress he will kill me including my parents and my siblings.

Q: Did you undress after you were threatened that way?

A: Yes, sir, because of great fear.

Q: What happened after you undressed yourself?

A: He made me lie on the ground, sir.

x x x x

Q: When you were made to lie down, what happened next?

A: He told me that there will be three (3) positions to be made.

x x x x

Q: What happened after that?