

FIRST DIVISION

[G.R. NO. 169874, July 27, 2007]

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. RAMON CAÑALES RAYLES, ACCUSED-APPELLANT.

D E C I S I O N

GARCIA, J.:

Sentenced by the Regional Trial Court (RTC) of Libmanan, Camarines Sur, Branch 57, to a prison term of *reclusion perpetua* for the crime of Rape as defined and penalized under Article 335 of the Revised Penal Code, as amended by Republic Act No. 8353,^[1] accused-appellant Ramon Cañales Rayles had previously been with this Court in *G.R. No. 159207*. That case, however, was transferred by this Court to the Court of Appeals (CA) for intermediate review pursuant to our decision in *People v. Mateo*.^[2] Thereat, the case was docketed as *CA-G.R. CR No. 00202*. After the CA affirmed the RTC's judgment of conviction in its decision^[3] of April 29, 2005, and following its denial of Rayles' motion for reconsideration in its resolution of August 16, 2005, the case is again with this Court for final review pursuant to the *Notice of Appeal* filed by Rayles from the aforesaid decision of the CA.

Consistent with our decision in *People v. Cabalquinto*,^[4] the real name of the rape victim in this case is withheld in this Decision. Instead, fictitious initials (**AA**) are used to represent her. Also, the personal circumstances of the victim or any other information tending to establish or compromise her identity, as well as those of her immediate family or household members, are likewise not disclosed herein.

The Case

On August 28, 2000, in the RTC of Libmanan, Camarines Sur, an Information^[5] for Rape was filed against herein accused-appellant Ramon Cañales Rayles. Docketed in the same court as Criminal Case No. L-3273 and raffled to Branch 57 thereof, the Information alleges:

That on or about 9:00 o'clock in the morning of February 26, 2000 at Barangay Sabang, Del Gallego, Camarines Sur, Philippines and within the jurisdiction of the Honorable Court, the above-named accused with lewd and carnal design, and by means of force, threat and intimidation, did then and there, willfully, unlawfully and feloniously lie and have sexual coitus of one AA who was then fourteen (14) years old against her will and without her consent, to her damage and prejudice in such amount as maybe proven in court.

CONTRARY TO LAW.

On arraignment, accused-appellant, assisted by counsel, entered a plea of "Not Guilty" to the foregoing Information.

On November 29, 2000, or even before trial could commence, a baby girl was born to AA. During trial, AA claimed that the child's father is Ramon Cañales Rayles who sexually abused her on February 26, 2000.

Apart from the documents marked and offered in evidence in the course of the proceedings at the court of origin, the prosecution called to the witness box the person of AA herself and Dra. Catherine Buban, a resident OB-Gyne at the Bicol Medical Center who conducted a physical examination on AA.

For its part, the defense rested its case with the testimonies of the accused himself; that of Emerenciana Rayles, wife of accused's uncle; and of Sgt. Antonio Nerveza, a brother-in-law of the accused.

The Evidence

The People's version of the incident is well laid out in the Supplemental Memorandum^[6] filed by the Office of the Solicitor General (OSG) in behalf of the People, to wit:

On February 26, 2000, about seven o'clock in the morning, fourteen-year old AA was sent by her mother to buy bread and sugar. AA walked for about half an hour to reach Bebe's store. While walking back home, she had a bad feeling. Upon passing by the house of appellant Ramon Cañales Rayles located at Hacienda Sabang, Del Gallego, Camarines Sur, appellant suddenly grabbed AA and brought her inside his house (TSN, August 27, 2001, pp. 3-6).

Armed with a bolo, appellant undressed AA inside the house. He pushed her down the stairs and spread her thighs. While she was lying down, he opened her vagina. AA felt pain, then appellant went on top of her and succeeded in inserting his penis inside her vagina (TSN, Sept. 10, 2001, pp. 2-5).

When AA went home afterwards, she was unable to report the incident to her parents because appellant threatened to box her if she squealed. AA revealed the rape incident to her parents at the time she began conceiving. About nine months later, AA gave birth to a baby girl (TSN, Sept. 10, 2001, p. 6).

On May 5, 2002, Dr. Catherine Buban, a resident OB-Gyne at the Bicol Medical Center, conducted a physical examination on AA. The examination was focused on the genital area of the victim. The lady doctor inspected AA's vulva and found that there were lacerations (TSN, March 14, 2001, pp. 2-3). It was also discovered that there were old hymenal lacerations on her genitalia at 1,5,6 and 9 o'clock positions which could have been caused by sexual intercourse (ibid., p. 5).

Denial and alibi are accused's main pleas in exculpation. Here is how the trial court summed up the evidence for the defense:

Defense, for its part, presented Emerenciana Rayles, Sgt. Antonio Nerveza and accused Ramon Rayles.

Emerenciana Rayles is the wife of accused's uncle. She claimed that AA washed clothes for them. AA, her mother XX and sister YY, arrived at their house on February 26, 2000, and washed clothes for them until the afternoon of that day. The three washed clothes near the well (balon) about 100 meters away from their house. After washing clothes the three went home to the hacienda about 1 1/2 kilometers away from their house.

Sgt. Antonio M. Nerveza, Ramon Rayle's brother-in-law declared that on February 26, 2000, at 9:00 a.m. he was constructing a nipa hut inside the camp at 16th IB on Sitio Miramar, Tagkawayan, Quezon. Ramon Rayles helped him with the work because the latter is good in carpentry. Actually, they started building the hut on February 25, 2000 and finished with the construction on February 28, 2000. Ramon Rayles slept at the camp that time. In fact both of them slept at the hut until the work was through. Rayles left the camp only on February 28, 2000 at about 4 p.m. Nerveza came to know about this case when he returned home when his child got sick, but he did not execute any affidavit, as he was about to be sent to Mindanao.

Accused, Ramon Rayles claimed that he went to the military camp of 16th IB where his brother-in-law Sgt. Anthony Nerveza was assigned on February 25, 2000. It was a Friday. From Hacienda Romualdez, Sabang, Del Gallego, Camarines Sur, where he was residing, he left at more or less six in the morning, and arrived at 9 in the morning at the camp. After he took his breakfast, he immediately started with the construction of the nipa hut until February 28. He went home and reached it at 6 p.m.

A family man with two children, accused claims that AA charged him with Rape due to the inducement of one Rey Agnes who has a grudge on him. He declared that the person who really raped AA is her own brother, ZZ.

In a "Judgment"^[7] dated October 15, 2002, the trial court found accused-appellant Ramon Cañales Rayles "guilty" of the crime charged against him and accordingly sentenced him to *reclusion perpetua*, thus:

WHEREFORE, in view of the foregoing considerations, the Court finds the accused *RAMON CANALES RAYLES, GUILTY* of the crime of Rape, pursuant to Article 266-A, Section 1 in relation to Article 266 B, (paragraph 1) of the Revised Penal Code, as amended and he is hereby sentenced to RECLUSION PERPETUA. He is also directed to indemnify the offended party, AA, the amount of P50,000.00, P10,000.00 as moral damages and to pay the costs of this suit. The period of the accused's confinement is considered in the service of his sentence. Consistent with the Court rulings, the Court cannot direct accused to recognize [the child born of AA] considering that he is a married man.

With respect to the manifestation of accused through counsel, that in the event he is convicted he prays that a DNA testing be conducted, the