

EN BANC

[G. R. No. 175333, September 21, 2007]

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. SONNY RENTORIA Y VELASCO, ACCUSED-APPELLANT.

D E C I S I O N

CHICO-NAZARIO, J.:

For review is the *Decision*^[1] of the Court of Appeals promulgated on 20 April 2006 in CA-G.R. CR. HC. No. 01415 entitled, "*People of the Philippines v. Sonny Rentoria*," affirming, with modification, the *Judgment*^[2] dated 18 March 2002 of the Regional Trial Court (RTC), Branch 61, Gumaca, Quezon, in Criminal Case No. 6467-G.

Accused-appellant Sonny Rentoria y Velasco prays for the reversal of the appellate court's decision finding him "guilty beyond reasonable doubt of the crime of Statutory Rape under Articles 266-A and 266-B of (the) Revised Penal Code as amended by R.A. 8353 x x x,"^[3] and sentencing him to death and to indemnify the victim in "the sum of P75,000.00 and to pay P50,000.00 as moral damages plus P50,000.00 as exemplary damages to deter others from committing same act."^[4]

A thorough review of the records of the case at bar discloses the following facts:

On 25 August 2000, accused-appellant was charged with the crime of *statutory rape* before the RTC, Branch 61, Gumaca, Quezon, for allegedly raping AAA,^[5] in an Information^[6] dated 10 May 2000. The accusatory portion thereof states:

That on or about the 26th day of September, 1999 at Barangay XXX, Municipality of YYY, Province of ZZZ, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, with lewd design, by means of force and intimidation, did then and there, willfully, unlawfully and feloniously lay with and have carnal knowledge of the offended party, AAA, a minor, three (3) years of age, against her will.

The case was docketed as Criminal Case No. 6467-G.

Upon arraignment, accused-appellant, duly assisted by counsel, pleaded "*Not Guilty*" to the crime charged. Thus, trial ensued, with the prosecution presenting four witnesses, namely: BBB, the private complainant and the mother of the victim^[7]; CCC, the sister of the victim^[8]; AAA, the victim^[9]; and Dr. Virgilio T. Misleng (Dr. Misleng), Medical Officer III, WWW Island District Hospital, WWW, (Province of) ZZZ,^[10] to establish accused-appellant's culpability beyond reasonable doubt of the crime charged.

BBB, the mother of the victim and the private complainant, testified that AAA was born on 8 March 1996; that on 16 September 1999, at around 2 o'clock in the afternoon, she was washing clothes inside her house; her children, AAA, CCC, DDD, and EEE, were all outside playing, but she could see them from where she was; that around the same time she saw accused-appellant having a drink with her neighbor at the latter's house which was about fifteen arms length away from her house; and that at around 3 o'clock of the same day, while she was hanging the clothes that she had recently washed on the clothes line, she did not see her children anymore but that she could still hear them playing. At 4 o'clock in the afternoon, she heard her daughter CCC shouting, "*Mama, mama, dinala po si AAA sa sukalan*"; it was at that time that BBB saw her daughter AAA with no undergarments and with scratches on her face and arms, and her vagina all bloody.

CCC, the older sister of the victim, was the second witness for the prosecution. She was seven years old at the time the incident in question occurred and she was already 10 years old when she narrated what she saw. CCC's testimony was given inside the chambers of the trial court judge at the request of the prosecution due to the witness' delayed mental development. CCC narrated that she saw accused-appellant bring AAA to the "*sukalan*" and place himself on top of AAA. More particularly her testimony contained the following information -

ATTY. GUERRERO: (DIRECT EXAMINATION)

Q Is AAA your sister?

A Yes, sir.

x x x x

Q *Tanda mo iyan? Sino `yan?*

INTERPRETER:

Counsel pointed to a person inside the chamber.

WITNESS:

A Sonny.

ATTY. GUERRERO:

Q *Kilala mo iyan ano?*

A Oo.

Q *Taga-saan si Sonny?*

A *Sa bahay nila.*

PROSECUTOR MATA:

Q *Saan ang bahay nila?*

A *Ewan ko. Hindi ko alam.*

Q *Pero nakikita mo siya noon?*

ATTY. GUERRERO:

Q *Nakikita mo siya noon? Tanda mo noon?* Your Honor, it would be very difficult to take the stenographic notes. May we ask that the proceeding be recorded, the testimony of the witness.

INTERPRETER:

On record already.

ATTY. GUERRERO:

Q *Nakita mo na si Sonny noon ano?*

A *Oo.*

Q *Saan mo nakita?*

A *Sa sukalan.*

Q *Saan yong sukalan? Malapit sa bahay ninyo?*

A *Malayo.*

Q *Sinong kasama niya sa sukalan?*

A *Si AAA.*

Q *Sino si AAA? Si AAA ba ay kapatid mo?*

A *Oo.*

Q *Anong ginagawa ni AAA noong dinala sa sukalan? Umiiyak ba si AAA?*

A *Mama.*

Q *Sumisigaw ng Mama?*

A *Mama.*^[11]

CCC, continuing her testimony, under the same oath:

ATTY. GUERRERO:

Your Honor, we are ready to present witness CCC for clarificatory questions from the Court, after which, we will present the victim, AAA.

COURT:

The Court hereby notes and acknowledges the manifestation of Asst. Provincial Prosecutor Elizabeth M. San Juan-Mata giving authority to the private prosecutor.

Q You remember what you said? You said you saw AAA at the *sukalan*. How were you able to see AAA at the *sukalan*?

INTERPRETER:

The witness made a sign by shaking her head left and right.

COURT:

Q Where were you when you saw AAA?

A I was playing, Your Honor.

Q How far were you from AAA when you saw her? *Malayo*?

A Only near, Your Honor.

Q *Gaano kalapit?*

A There, Your Honor.

INTERPRETER:

Witness indicated a distance from the place where she is sitting up to the window which distance, upon stipulation between the parties, is estimated to be three (3) meters.

COURT:

Q When you saw AAA, was it nighttime or daytime?

A Morning, Your Honor, *umaga*.

CCC, under the same oath, continuation of her direct examination, testified as follows:

ATTY. GUERRERO:

For the record, Your Honor, the witness nodded when called the name CCC.

COURT:

Proceed.

ATTY. GUERRERO: (CONTINUATION OF DIRECT EXAMINATION)

Q: *Di ba kapatid mo is AAA?*

A: Yes, sir.

Q: Do you remember said last hearing that AAA is your sister?

A: Yes, sir.

Q: And then you said that you saw AAA, that Sonny brought AAA to the "*Sukalan*", shrubby place?

A: Yes, sir.

INTERPRETER:

The witness answer just nodding her head.

ATTY. GUERRERO:

Q: When AAA was brought by Sonny to the "*sukulan*" did you see that Sonny placed himself on top of AAA?

A: Yes, sir.

INTERPRETER:

Witness nodded her head.

ATTY. GUERRERO:

Q: When Sonny placed himself on top of AAA, he was not wearing his pant?

A: Yes, sir.

INTERPRETER:

Witness nodded.

ATTY. GUERRERO:

Your Honor, for the record, when asked the witness the question, she answered by making a groan.

Q: And then you said you call your mother?

INTERPRETER:

The witness answered by nodding.