

THIRD DIVISION

[G.R. No. 177749, December 17, 2007]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
MANUEL AGUILAR, ACCUSED-APPELLANT.**

D E C I S I O N

CHICO-NAZARIO, J.:

For review is the Decision^[1] dated 28 February 2007 of the Court of Appeals in CA-G.R. CR H.C. No. 00743, which affirmed *in toto* the Decision^[2] dated 27 December 2004 of the Regional Trial Court (RTC) of Muntinlupa City, Branch 207, in Criminal Case No. 13545, finding herein appellant Manuel Aguilar guilty beyond reasonable doubt of the crime of simple rape committed against AAA,^[3] the daughter of his common-law wife BBB, and sentencing him to suffer the penalty of *reclusion perpetua*, and to indemnify the victim in the amount of P50,000.00 as civil indemnity, P50,000.00 as moral damages and P25,000.00 as exemplary damages.

Appellant Manuel Aguilar was charged with the crime of rape before Branch 42 of the RTC of Dumaguete City, committed as follows:

That on [24 June 1997] at about 5:00 o'clock in the afternoon, at Sitio xxx, Brgy. xxx, [Municipality of] xxx, [Province of] xxx, Philippines, and within the jurisdiction of this Honorable Court, the above-named [appellant], with lewd designs and by means of force and intimidation, with abuse of confidence, willfully, unlawfully and feloniously did lie and succeeded in having carnal knowledge with AAA, **below thirteen (13) years old and the stepdaughter of the said [appellant].**^[4] (Emphasis supplied.)

The case was docketed as Criminal Case No. 13545. When arraigned on 12 July 2000, appellant, assisted by counsel *de officio*, pleaded NOT GUILTY to the crime charged. Thereafter, trial ensued.

The prosecution presented the following witnesses: (1) Atty. Rolando A. Piñero, the Branch Clerk of Court of RTC, Branch 31, Dumaguete City; (2) Dr. Rosita A. Muñoz, the Municipal Health Officer of Sta. Catalina Rural Health Unit; (3) Joven Acabal, the Medical Technologist at Bayawan District Hospital; (4) Dr. Lydia Villaflores, physician from Bayawan District Hospital; (5) Police Senior Inspector Cresenciano Valiente Pagnanawon, Chief of Police of Sta. Catalina, Negros Oriental; (6) SPO1 Wenifredo Jamandron, a member of the Philippine National Police (PNP) of Sta. Catalina, Negros Oriental; (7) BBB, the mother of the victim; and (8) AAA, the victim herself.

Atty. Rolando A. Piñero testified that the appellant has a pending criminal case for rape before Branch 31 of the RTC of Dumaguete City. The same was entitled *People of the Philippines v. Manuel Aguilar*, docketed as Criminal Case No. 13546, allegedly

committed against AAA on 4 February 1998. He further stated that a Medical Certificate^[5] issued by Dr. Rosita A. Muñoz in favor of AAA was presented therein as evidence to prove that AAA was physically examined after the reported rape of 4 February 1998.^[6]

During her testimony, Dr. Rosita A. Muñoz disclosed that on 5 February 1998, while she was exercising her official function, AAA came to her clinic at Sta. Catalina Rural Health Unit and reported to her that she was raped. However, considering that there was no facility for spermatozoa examination in the said clinic, she referred AAA to the Bayawan District Hospital. She said that she did not conduct any medical examination on AAA and left it to the Bayawan District Hospital to conduct the same. The medical examination was conducted by Joven Acabal and Dr. Lydia Villaflores of the Bayawan District Hospital. The result of the medical examination revealed the presence of spermatozoa. She declared that she was given a copy of the said result. By virtue thereof, she issued a Medical Certificate^[7] with the following findings:

This is to certify that per examination results of the cervical smear, spermatozoa were present taken from [AAA], 13 yrs. old, female from xxx, xxx, xxx.^[8]

The testimony of Dr. Rosita A. Muñoz was corroborated by Joven Acabal and Dr. Lydia Villaflores. Joven Acabal avowed that he was the one who conducted the examination of the cervical smear which was taken by Dr. Lydia Villaflores from AAA on 5 February 1998. The result of the same indicates the presence of spermatozoa from a male seminal fluid.^[9] Dr. Lydia Villaflores confirmed that she was the one who took the cervical smear from AAA on 5 February 1998 and after the examination of the specimen, she was able to determine the presence of spermatozoa. The Laboratory Examination Sheet was filled up by the nurse whom she personally knows. She also issued a Medical Certificate^[10] as requested by the Sta. Catalina Police.^[11]

Police Senior Inspector Cresenciano Valiente Pagnanawon and SPO1 Wenifredo Jamandron testified that the rape incident that happened on 4 February 1998 was reported to the Sta. Catalina, Negros Oriental Police Station, and the same was recorded in the police blotter on 5 February 1998. SPO1 Wenifredo Jamandron averred that he interviewed and investigated AAA at the Sta. Catalina Police Station on the aforesaid date as regards the rape incident.^[12]

BBB, the mother of AAA, declared that she was previously married to deceased CCC with whom she had three children namely: DDD, EEE and herein victim, AAA. She affirmed that AAA was born on 26 January 1985.^[13] She said that the appellant was her common-law husband, they had been living together since 1989, and they had four children, namely: FFF, GGG, HHH and III.^[14]

BBB courageously divulged in court that on the evening of 4 February 1998, she and appellant, together with their daughters HHH and III, slept in a room upstairs, while AAA slept in a room downstairs together with her half-brothers. At around midnight, she woke up to answer the call of nature. BBB, with a kerosene lamp, proceeded to a room downstairs, where AAA and her half-brothers were sleeping, to get the chamber pot. When she reached out for the chamber pot, she was taken

aback when her hands touched instead the bare buttocks of the appellant. She discovered that the appellant was lying naked, face down and on top of AAA who was then wearing nothing but her shirt. BBB repeatedly asked the appellant what he was doing but the latter did not give an answer and just kept silent. She then brought the lamp closer to the appellant who was already seated but still naked. AAA, on the other hand, stood up. BBB again asked the appellant what was he really doing, but still the appellant did not answer which made her hit the appellant with a scythe. After that, she asked AAA what the appellant did to her. At first, AAA did not give any answer but when BBB asked her for the second time, AAA replied that the appellant had sexual intercourse with her. AAA immediately ran away and went to the nearby house of her aunt named JJJ. BBB followed AAA. While BBB and AAA were at the house of JJJ, the latter asked AAA what had happened. AAA responded that she was raped by the appellant. It was also at the house of JJJ where AAA tearfully revealed to her mother, BBB, that she had been raped several times by the appellant beginning 24 June 1997, when she was still 12 years old, in their house at Sitio xxx, Barangay xxx, Municipality of xxx, Province of xxx,^[15] during the time when BBB was in Bayawan to attend the birthday celebration of Nang Emang and returned only in the afternoon of 25 June 1997.^[16] Immediately, after that rape incident on 4 February 1998, the appellant escaped.^[17]

BBB further testified that she, together with JJJ and the husband of the latter, went to the Sta. Catalina Police Station where they reported the rape incident. It was recorded in the police blotter. BBB also stated that AAA was brought to the doctor at Sta. Catalina as well as in Bayawan where AAA was examined.^[18] Resultantly, two separate charges were filed against the appellant, to wit: (1) Criminal Case No. 13546 for the rape which happened on 4 February 1998, and was raffled to Branch 31 of RTC, Dumaguete City; and (2) Criminal Case No. 13545, the instant case, for the rape incident which occurred on 24 June 1997 and raffled to Branch 42 of RTC, Dumaguete City.

The final witness presented by the prosecution was AAA, the victim herself. She was already 15 years old when she testified in court. During her testimony, she confirmed that she was born on 26 January 1985. She also admitted that the appellant is her stepfather, being the common-law husband of her mother, BBB, and she calls him "papa." AAA disclosed that in the afternoon of 24 June 1997, while she was cooking food for supper and doing several household chores in their house at Sitio xxx, Barangay xxx, Municipality of xxx, Province of xxx, the appellant asked her younger siblings to go out and fetch water from a place 700 meters away from their house. Her mother at that time was in Bayawan to attend the birthday celebration of her *lola*. With only AAA and the appellant in their house, appellant pulled her, undressed her, made her lie down on the kitchen floor and pinned her on the ground. The appellant then undressed himself, lay on top of her until he finally inserted his penis into her vagina. AAA felt pain. She cried hard and tried to defend herself but appellant was much stronger than her. She likewise failed to shout because the appellant threatened to kill her and her mother if she did. She felt pain and continuously had bleeding during and after the rape. The appellant similarly warned her not to tell anyone what had happened because if she did, he would kill her and her mother. Out of fear, AAA never told her mother about her harrowing experience in the hands of the appellant. AAA also revealed that the rape incident that happened on 24 June 1997 was continuously repeated until it was discovered by her mother on 4 February 1998.^[19] The rape incidents that

happened on 24 June 1997 and 4 February 1998 were reported to the police authorities at Sta. Catalina Police Station. She further stated that she was instructed to go to the Bayawan District Hospital for medical examination.^[20]

For its part, the defense presented the lone testimony of the appellant. The appellant admitted that AAA is his stepdaughter as she is the daughter of his common-law wife BBB. He also asserted that he and BBB were never married and they just live together without the benefit of marriage.^[21] In his testimony, he vehemently denied the rape accusations against him. He claimed that there was no rape incident that happened in the kitchen of their house on 24 June 1997, but he admitted that BBB was really not present in their house on the aforesaid date and the latter came back only on 25 June 1997. He likewise avowed his innocence and assailed that the charges against him were a mere scheme, concocted by AAA and her aunt JJJ and the husband of the latter because they never wanted him to be with BBB. In fact, they tried to send him away many times but he did not leave because of his children with BBB. Similarly, the appellant averred that AAA was just making up stories because she never respected him. She neither followed his orders nor his instructions and all these started when AAA realized that he was not her real father. AAA was barely four years old when they first met. The appellant further declared that while he was detained at the provincial jail, BBB and AAA visited him twice and they even brought him bread and soap. He also maintained that he tried to convince BBB not to pursue the case but BBB told him that JJJ and the husband of the latter would sue her and have her put in jail if she withdrew the case against him.^[22]

After trial on the merits, Criminal Case No. 13545, the instant case, was considered submitted for decision on 11 February 2004, by the RTC, Branch 42, Dumaguete City. This Court, however, had issued a Resolution^[23] dated 27 January 2004, in G.R. No. 154848 entitled, *People of the Philippines v. Manuel Aguilar*, directing the Judge of the RTC of Dumaguete City, Branch 31, who tried and heard Criminal Case No. 13546, to commit the appellant to the New Bilibid Prisons in Muntinlupa City, having convicted appellant for raping AAA on 4 February 1998. In view of this, this Court issued Resolutions dated 27 July 2004^[24] and 17 August 2004^[25] directing the RTC of Muntinlupa City, Branch 207, being the lone family court in Muntinlupa City, to resolve Criminal Case No. 13545.

On 27 December 2004,^[26] the RTC of Muntinlupa City rendered a judgment of conviction against the appellant. The dispositive portion of the Decision reads:

WHEREFORE, [appellant] is found guilty beyond reasonable doubt of the crime of simple rape and is sentenced to suffer the penalty of *reclusion perpetua*. He is ordered to pay the victim [AAA] P50,000.00 as civil indemnity, P50,000.00 as moral damages and P25,000.00 as exemplary damages.^[27]

Dissatisfied, the appellant appealed the 27 December 2004 Decision of the RTC of Muntinlupa City before the Court of Appeals. In his brief, the appellant's lone assignment of error was:

THE TRIAL COURT GRAVELY ERRED IN FINDING THE [APPELLANT] GUILTY OF THE CRIME CHARGED DESPITE THE FAILURE OF THE PROSECUTION

TO PROVE HIS GUILT BEYOND REASONABLE DOUBT.^[28]

On 28 February 2007, the Court of Appeals rendered a Decision affirming *in toto* the Decision of the RTC of Muntinlupa City, the decretal portion of which reads:

WHEREFORE, premises considered, the **Decision**, dated [27 December 2004], of the [RTC] of Muntinlupa City, in Criminal Case No. 13545 is hereby **AFFIRMED** *in toto*. Costs against the [appellant].^[29]

Intending to appeal the aforesaid Decision of the appellate court, the appellant filed a Notice of Appeal. In view thereof, the Court of Appeals forwarded to this Court the records of this case.

In this Court's Resolution dated 16 July 2007,^[30] the parties were required to submit their respective supplemental briefs. Both the Office of the Solicitor General and the appellant manifested that they were adopting their respective briefs filed before the Court of Appeals as their supplemental briefs.

After a careful review of the records of this case, this Court affirms appellant's conviction.

A rape charge is a serious matter with pernicious consequences both for the appellant and the complainant; hence, utmost care must be taken in the review of a decision involving conviction of rape.^[31] Thus, in the disposition and review of rape cases, the Court is guided by certain principles. *First*, the prosecution has to show the guilt of the accused by proof beyond reasonable doubt or that degree of proof that, to an unprejudiced mind, produces conviction. *Second*, the evidence for the prosecution must stand or fall on its own merits and cannot draw strength from the weakness of the evidence of the defense. *Third*, unless there are special reasons, the findings of trial courts, especially regarding the credibility of witnesses, are entitled to great respect and will not be disturbed on appeal. *Fourth*, an accusation for rape can be made with facility; it is difficult to prove but more difficult for the person accused, though innocent, to disprove. And *fifth*, in view of the intrinsic nature of the crime of rape, in which only two persons are usually involved, the testimony of the complainant must be scrutinized with extreme caution.^[32]

It is well-settled that the **appellant may be convicted of rape based solely on the testimony of the victim, as long as the same is competent and credible**. This is primarily because the crime of rape is usually committed in a private place where only the aggressor and the rape victim are present.^[33] Moreover, even the trial court mentioned in its Decision that **even in the absence of the corroborative testimonies of the prosecution's other witnesses, the testimony of AAA can stand on its ground and is enough to convict the appellant**.^[34]

Accordingly, the primordial consideration in a determination concerning the crime of rape is the credibility of complainant's testimony.^[35] Time and again, we have held that when it comes to the issue of credibility of the victim or the prosecution witnesses, the findings of the trial courts carry great weight and respect and, generally, the appellate courts will not overturn the said findings unless the trial court overlooked, misunderstood or misapplied some facts or circumstances of