

## FIRST DIVISION

[ G.R. No. 149810, August 28, 2003 ]

**PEOPLE OF THE PHILIPPINES, APPELLEE, VS. CRISPIN T. RUALES, APPELLANT.**

### D E C I S I O N

**YNARES-SANTIAGO, J.:**

Before us is an appeal from the decision<sup>[1]</sup> of the Regional Trial Court of General Santos City, Branch 22, in Criminal Case No. 8776, finding appellant Crispin T. Ruales guilty beyond reasonable doubt of statutory rape, sentencing him to suffer the penalty of *reclusion perpetua*, and ordering him to pay the complainant the amounts of P6,000.00 as actual damages, P200,000.00 as moral damages and the cost of suit.

Appellant was charged in a Complaint which reads:

That in the evening of August 27, 1992, in General Santos City, Philippines, within the jurisdiction of this Honorable Court, the above-named accused did then and there willfully, unlawfully and feloniously, with lewd design, forcibly abduct the undersigned AAA, an eight year old girl, against her will from the place near a store at [REDACTED], General Santos City, and did then and there take her to the grassy place across the National Highway and which is popularly known as Dacera Farm where accused, by means of intimidation, force and violence, did then and there willfully, unlawfully and feloniously have carnal knowledge of complainant AAA, against her will.

CONTRARY TO LAW.<sup>[2]</sup>

On December 18, 1992, appellant was arraigned with the assistance of counsel. He pleaded "not guilty" to the charge of Forcible Abduction with Rape. Trial thereafter followed.

The facts:

AAA, a Grade II pupil at the [REDACTED] Elementary School at Barrio [REDACTED], General Santos City, was only seven years old when the rape incident happened on the night of August 27, 1992. At about 7:00 p.m. of that fateful night, her mother sent her to buy sugar, coffee, gas, medicine and potatoes at Bayona Store, just two houses away. She was accompanied by her younger brother, [REDACTED]. She was able to buy everything in her list, except the potatoes, after which she sent her brother home. She then proceeded to R.R. Store and Dading Store, but she was not able to buy potatoes. While she was standing outside Dading Store, she was approached by appellant, who befriended her and offered to accompany her to the lower portion of

the town to look for potatoes. She acceded to appellant's offer since the potatoes were for her sick sister, [REDACTED]. Instead of buying potatoes, she was brought by appellant to Dacera Farm, approximately a kilometer away from Barrio [REDACTED]. They crossed over a barbed wire fence and ended up on a grassy cornfield. There, appellant forced AAA to lie down and kissed her on the lips and cheeks. AAA fought back and pleaded for him not to hurt her, but appellant did not listen. Appellant forcibly removed her shirt and underwear then undressed himself. Appellant pinned AAA's face to the ground while he inserted his penis into her vagina. Thereafter AAA lost consciousness.<sup>[3]</sup>

Meanwhile, AAA's parents went out searching for her in places where she might have gone. When they failed to find her, they reported the matter to the police authorities and to the radio station.<sup>[4]</sup>

The following day, AAA regained consciousness. She felt pain all over her body, especially on her vagina. She got up from the mud and walked to the side of the highway. She met a group of women who, after seeing blood on her shirt, hailed a tricycle to bring her home. Thereafter, AAA and her parents reported the incident to the police authorities. She was brought to the hospital for immediate medical attention.<sup>[5]</sup> Dr. Emmanuel C. Leyva, a surgeon at Cotabato Regional Hospital, Cotabato City, performed the medical examination and found the following:

Physical Examination:

Operation	Multiple contusion abrasion neck &
Diagnosis:	mandibular area
	= Vaginal laceration extending to the
	pouch of Douglas
	= Extensive hymenal laceration
	= Contusion surrounding vulva.

Operation Performed: =Vaginal & perineal repair.

Date of Operation: =August 28, 1992.<sup>[6]</sup>

A few days later, AAA and her mother returned to the scene of the crime, accompanied by Investigator Anibersario and the photographer of the police station, who took pictures of the scene, including the slipper and underwear of the victim found thereat.<sup>[7]</sup>

On September 20, 1992, at around 4:00 p.m., AAA together with her mother and her aunt passed by the Johnny Ang Paradise Billiard Hall. AAA trembled when she saw appellant playing billiards, and she pointed him to her mother. Her mother immediately told her sister to go to the police station to request for help. Moments later, the police arrived and arrested the appellant.<sup>[8]</sup>

Appellant, for his part, denied the charge against him and proffered the defense of alibi. He testified that on August 27, 1992, after gathering sand and gravel at the quarry, he proceeded to Mrs. Salome Monteclar's store at Johnny Ang Paradise, to sell smoked fish from 4:00 p.m. until 9:00 p.m.<sup>[9]</sup>

On March 15, 2001, the trial court rendered the assailed decision, the dispositive portion of which reads:

WHEREFORE, judgment is hereby rendered finding the accused, CRISPIN RUALES, GUILTY beyond reasonable doubt of statutory RAPE, he is hereby sentenced to suffer the penalty of RECLUSION PERPETUA. He is ordered to pay civil damages of P6,000.00 to the parents of AAA; P200,000.00 as moral damages to private complainant and the cost of suit.

SO ORDERED.<sup>[10]</sup>

Hence, this appeal, raising the following errors:

- I. THE HONORABLE TRIAL JUDGE ERRED IN RULING THAT THE PRIVATE COMPLAINANT REMEMBERED VERY WELL THE PHYSICAL CHARACTERISTICS OF HER ASSAILANT BECAUSE THE STREETS WHERE THE ACCUSED AND THE VICTIM PASSED BY WERE WELL LIGHTED, WITHOUT CONDUCTING AN OCULAR INSPECTION AND ASCERTAINING THE PATH TAKEN BY THE VICTIM AND THE ACCUSED.
- II. THE HONORABLE TRIAL JUDGE ERRED IN GIVING CREDIBILITY TO THE PRIVATE COMPLAINANT DESPITE THE PRESENCE OF GRAVE INCONSISTENCIES IN HER STATEMENT.
- III. THE HONORABLE TRIAL JUDGE ERRED IN RULING THAT THE RAPE CASE FILED BY FRANCISCA LAGASTE, THE LIVE-IN PARTNER OF THE ACCUSED, SHOWED HIS CAPABILITY TO RAPE AN 8 YEAR OLD GIRL.
- IV. THE HONORABLE TRIAL JUDGE ERRED IN DISREGARDING THE IRREGULARITY AND THE ILLEGALITY OF THE ARREST IN DETERMINING THE GUILT OF THE ACCUSED.
- V. THE HONORABLE TRIAL JUDGE ERRED IN FINDING THAT THE GUILT OF THE ACCUSED HAS BEEN PROVEN BEYOND REASONABLE DOUBT.

In convicting the appellant, the trial court relied heavily on the testimony of AAA which it found credible, while it found appellant's version of alibi, a defense invariably viewed as weak and easy to concoct, unconvincing.

Appellant assails the credibility of AAA's testimony as regards his identity considering that the place where the alleged rape was committed was dark. Moreover, her testimony regarding the physical description of the alleged perpetrator was full of inconsistencies and incongruity.

In deciding rape cases, we have been guided by the following well-established principles: (a) an accusation of rape can be made with facility; it is difficult to prove but more difficult for the person accused, though innocent, to disprove; (b) due to the nature of the crime of rape where only two persons are usually involved, the testimony of the complainant must be scrutinized with extreme caution; and (c) the evidence for the prosecution must stand or fall on its own merits and cannot be allowed to draw strength from the weakness of the evidence for the defense.<sup>[11]</sup>

We have repeatedly held that the evaluation of the testimony of the witnesses by the trial court is accorded the highest respect on appeal because the court below had the opportunity to observe the witnesses on the stand and detect if they were telling the truth. This assessment is binding upon the appellate court in the absence of a clear showing that it was reached arbitrarily or that the trial court plainly overlooked certain facts of substance or value that, if considered, might affect the result of the case.<sup>[12]</sup>

After a careful review of the records of this case, we find no cogent reason to detract from the general rule.

AAA was a Grade II pupil when she took the witness stand, but despite her age and educational limitation, the narration of her ordeal in the hands of appellant was straightforward, spontaneous and candid. Under rigid cross-examination, which took several days, she was uncompromising and remained steadfast on her tragic tale of defilement.

AAA admitted that the place where she was brought and ravished was dark. Nevertheless, her testimony is no less credible for the identity of the appellant stuck in her memory when she first saw him at Dading Store, a place which was well lighted. Thus, on direct examination:

- Q. You pointed to a person who gave his name as Crispin Ruales, are you very sure that this was the person who raped you?
- A. Yes, he is the one, sir.
- Q. What made you very sure that this person was the one who held your arms, led you to cross the highway and brought you to Dacera Farm and raped you?
- A. I saw his face because there was light during that time. It was very bright.<sup>[13]</sup>

Further, on cross-examination:

- Q. Where did you meet the accused for the first time that night?
- A. At Dading Store, sir. He approached me.
- Q. Was there electric light at the Dading Store?
- A. Yes, sir.
- Q. Did you look at the accused at the time he approached you closely?
- A. Yes sir, I stared at him.
- Q. And what did he tell you when he first approached you?
- A. After he approached me, he said, "What are you going to buy?" and I answered, "I'd like to buy potatoes but there was none here." Then he told me, "Let's go to the lower portion."
- Q. What prompted you to accept his invitation to go to the

- lower portion?
- A. Because he told me that we were going to buy potatoes at the lower portion.
- Q. In what manner did he invite you? Was he very friendly or what?
- A. He befriended me, so I agreed.
- Q. Did he hold your hands after you agreed to go with him?
- A. Yes, sir.
- Q. And so you agreed to go along with him?
- A. Yes, Sir.
- Q. As you were walking, were you looking at him every now and then?
- A. Yes, sir.
- Q. What was the color of his shirt?
- A. I did not notice the color because it was dark.
- Q. Was he in long pants or short pants?
- A. He was wearing long pants.
- Q. Was he wearing slippers or shoes?
- A. He was wearing slippers.
- Q. Was he in a hurry while he was going to towards the lower portion with you?
- A. Yes, sir. <sup>[14]</sup>

Then, on redirect examination:

Fiscal Oco:

- Q. When you were looking for potatoes as you stated in your direct and cross examination, a person approached you offering to help you look potatoes and that person is the accused, is that what you mean?

Atty. Falgui:

That would be leading, Your Honor, please.

Fiscal Oco:

She is 9 years old, Your Honor, please.

Court:

Answer.

Witness:

- A. Yes, sir.

Fiscal Oco:

- Q. And that was the same person who brought you to the cornfield and inserted his penis to your vagina?