

EN BANC

[G.R. No. 137993, April 11, 2002]

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ROMEO SANTOS Y LABAY, ACCUSED-APPELLANT.

D E C I S I O N

PER CURIAM:

Romeo Santos y Labay appeals from the decision^[1] of the Regional Trial Court (RTC), Branch 265, Pasig City, in Criminal Case No. 113642-H, convicting him of rape and sentencing him to the supreme penalty of death, and to pay to the victim, Julie Ann Gutierrez, the amounts of P50,000.00 as civil indemnity and P30,000.00 as moral damages and costs.

On January 6, 1998, an information was filed with the said RTC charging Romeo Santos y Labay with rape, committed as follows:

“On or about the third week of December, 1997 in Pasig City, and within the jurisdiction of this Honorable Court, the accused being a grandfather, a relative by consanguinity within the third civil degree, did then and there willfully, unlawfully and feloniously have sexual intercourse with Julie Ann Gutierrez, a minor, six years old, against her will and consent.

“Contrary to law.”^[2]

When arraigned, accused pleaded not guilty. Trial ensued.

The facts, as culled from the records, are as follows:

Julie Ann Gutierrez, born on September 13, 1991, is the third child of Julio and Josephine Gutierrez. Accused Romeo Labay Santos, tricycle driver, is Julie Ann’s maternal grandfather.

One early evening in December 1997, Julie Ann, then six years old, was brought by the accused to his house located behind the house of the girl’s family in Villa Raymundo, Barangay Palatiw, Pasig City.^[3]

The accused laid down Julie Ann on the bed and undressed her. He also undressed himself. He then inserted his penis into her vagina. She shouted because of the pain, but he refused to stop. At that time, Julie Ann’s mother went to fetch water outside, while her father was driving his jeep.^[4] Accused’s wife was not also in the house.

Julie Ann described a rapist as someone who would take off her dress and her shorts, including her panty, kiss her vagina and insert his penis.^[5]

Julie Ann's mother, Josephine Gutierrez, 28 years old, recalled that the accused would usually take the girl to his house overnight. One time, Josephine fetched her from his house as she complained of pain in her vagina. Then, while giving a bath to Julie Ann, Josephine saw blood and white secretion near her daughter's genital area. For one week after that, she experienced nightmares, screaming, "Ayoko na!"^[6] Worried, Josephine brought her to a psychiatrist in the Philippine General Hospital (PGH). The psychiatrist told Josephine that the nightmares were caused by a traumatic experience of her daughter. The psychiatrist then conducted a medical examination of Julie Ann and certified that she has three lacerations in her genital area.^[7]

On January 4, 1998, Rolando Macasinag told Josephine that the accused previously molested Julie Ann. At first, Josephine found it hard to believe. Later on, upon her inquiry, Julie Ann revealed that the accused had raped her four times.^[8] Thereupon, Josephine confronted the accused, but he denied.^[9]

The next day, or on January 5, 1998, Josephine took Julie Ann to the Eastern Police District, Philippine National Police Office in Caruncho Avenue, Pasig City. The officer of the Task Group Zebra-Women and Children's Desk referred and accompanied them to the PGH for physical examination. Dr. Bernadette Madrid, Director of the PGH Child Protection Unit, examined Julie Ann and indicated in her Medical Certificate that her vagina had in fact been penetrated.^[10] Then, Josephine and Julie Ann returned to the police headquarters where the latter was investigated.^[11]

On January 5, 1998, at around 9:30 in the evening, the accused was apprehended while driving his tricycle.^[12]

The accused denied the charge and alleged that his daughter, Josephine, was angry with him so she concocted false charges against him.

He also claimed that he reprimanded Roland Macasinag twice because of his drinking. Roland is married to the daughter of the second husband of the accused's wife.^[13]

Josephine presented before the trial court Julie Ann's birth certificate showing that she was born on September 13, 1991.^[14]

On January 11, 1999, the trial court rendered its decision,^[15] the dispositive portion of which states:

"WHEREFORE, in view of the foregoing, judgment is hereby rendered finding the Accused, ROMEO SANTOS Y LABAY, GUILTY beyond reasonable of the crime of RAPE, aggravated by the fact that the victim was the accused's minor granddaughter who was only six (6) years old, and hereby sentences him to suffer the penalty of DEATH, as provided for under R.A. No. 7659 and R.A. No. 8353; to pay the Private Complainant, Julie Ann Gutierrez, the sum of FIFTY THOUSAND PESOS (P50,000.00) by way of indemnity; THIRTY THOUSAND PESOS (P30,000.00) as moral damages, plus all the accessory penalties provided by law, without

subsidiary imprisonment in case of insolvency; and to pay the costs.

SO ORDERED.”^[16]

The above decision was elevated to this Court for automatic review.

In his brief, accused-appellant contends that the court *a quo* erred:

“I..... IN IGNORING THE FACT THAT THE ALLEGED VICTIM AND THE COMPLAINANT’S MOTHER WERE ONLY TOLD TO POINT TO THE ACCUSED AS THE PERPETRATOR BY ROLAND MACASINAG.

“II.... IN GIVING CREDENCE TO THE TESTIMONIES OF THE PROSECUTION WITNESSES ALTHOUGH REplete WITH INCONSISTENCIES.

“III.... IN FINDING ACCUSED-APPELLANT GUILTY OF THE CRIME-CHARGED BEYOND REASONABLE DOUBT.”^[17]

The nature of the crime of rape is such that oftentimes it is only the accused and the complainant who can testify as to the commission of the crime. Thus, it is imperative to scrutinize the testimonies and the evidence altogether to see if the conviction of appellant can be sustained.^[18]

In this case, appellant denies committing rape and essentially raises the issue of credibility of witnesses. Well-entrenched is the rule that the findings of the trial court on credibility of witnesses are entitled to great weight on appeal unless cogent reasons are presented necessitating a reexamination if not the disturbance of the same; the reason being the former is in a better and unique position of hearing first hand the witnesses and observing their deportment, conduct and attitude.^[19] Absent any showing that the trial judge overlooked, misunderstood, or misapplied some facts or circumstances of weight which would affect the result of the case, the trial judge’s assessment of credibility deserves the appellate court’s highest respect.^[20]

After a careful scrutiny of the evidence on record, we find no cogent reason to depart from the findings and conclusions of the trial court. We agree with its grant of full weight and credence to the testimony of Julie Ann that her grandfather sexually assaulted her without her consent. She testified in a very clear, spontaneous and straightforward manner. She unflinchingly identified her grandfather, the appellant, as the person who raped her. She declared that she felt pain and screamed when he inserted his penis into her vagina. She even experienced nightmares because of her trauma.

Furthermore, no woman, especially one of tender age like Julie Ann, would concoct a rape complaint, allow a gynecologic examination and permit herself to be subjected to a public trial if she is not motivated solely by the desire to have the culprit apprehended and punished.^[21] Considering that she was not shown to have been ill-motivated in charging her grandfather, we find no reason to disbelieve her. This Court has held that where there is no evidence to indicate that the prosecution witness was actuated by improper motive, the presumption is that he was not so