

FIRST DIVISION

[G.R. No. 129769, January 19, 2001]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
ANTONIO BELGA, ACCUSED-APPELLANT.**

D E C I S I O N

YNARES-SANTIAGO, J.:

Accused-appellant Antonio Belga was charged with rape in an Information which reads, thus:

That on or about 12:00 o'clock midnight of March 21, 1992, at Barangay Binatagan, Municipality of Basud, Province of Camarines Norte, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused did then and there willfully and feloniously have carnal knowledge with (sic) one ANNALYN B. BENITES, against the latter's will and by means of force, and intimidation, to her damage and prejudice.

ACTS CONTRARY TO LAW.

Upon arraignment, accused-appellant pleaded "not guilty" to the charge. Trial on the merits ensued.

The prosecution established that in the evening of March 21, 1992 at around 12:00 o'clock midnight, the 18-year-old Annalyn B. Benites and her grandmother attended the "*Pabasa ng Pasion*" in the house of Domingo Belga, accused-appellant's father. That *pabasa* was also attended by Armando Vecida, Domingo Belga and his wife, Mario Bermas, Francisco Paular and Antonio Penarubia. Annalyn testified that at around 11:00 o'clock of said date, some persons, including Antonio, were drinking gin near the place where the *pabasa* was being held. She could not estimate the distance between the place where the drinking session was being held and the table where she was sleeping. She recalled, though, that there was a wall separating the table she was sleeping on and the room where the *pabasa* was being held.

Accused-appellant Antonio's drinking mates left when the drinking session was over. Antonio then went over to the table where Annalyn was sleeping. Antonio slept on the other side of the table with their heads opposite each other. After some time, Antonio mashed her breast, removed her panty and inserted his penis into her vagina. She did not resist as Antonio threatened her with a knife. The following morning, Elizabeth Belga, Antonio's sister asked her if she was suffering from stomach pain as she could not move from the table. She just kept quiet for fear that Elizabeth might tell her friends what happened to her. Thereafter, she left the house and reported to her parents what Antonio did to her.

Fernando Benites, Annalyn's father, testified that his 18-year old daughter had no

educational attainment as she was mentally retarded.

Mario Bermas, Antonio's drinking partner that night, corroborated Annalyn's testimony regarding the latter's position prior to the incident as well as the layout of the *locus criminis*.

On March 23, 1992, Annalyn submitted herself to medical examination. Thereafter, a medical certificate^[1] was correspondingly issued finding that she had "incomplete, healed, hymenal laceration at 3 and 4 o'clock positions" and that her "vagina admits two (2) fingers with ease."

Antonio denied the accusation against him. He alleged that he arrived at the house of his father on March 20, 1992 and stayed there up to 5:00 o'clock in the morning of March 21, 1992. He claimed that at midnight of March 20, 1992, he was at the table in the kitchen which was about 2 meters from the place where the *pabasa* was being held. There was no divider between the place where the *pabasa* was being held and the kitchen. He was engaged in a drinking session with some men. He alleged that it was not possible for him to have committed said crime considering that there were people in the kitchen.

Antonio's testimony was corroborated by Armando Vecida, Teodora Belga and Lourdes de la Torre. Essentially, they testified that they were at the house of Domingo at around the time the alleged incident supposedly happened up to the morning of the following day. They claimed that no rape could have been committed because of the presence of people participating in the *pabasa* particularly in the kitchen where the drinking spree was being held as well as where the food was being prepared.

The trial court rejected accused-appellant's defense and gave credence to complainant's testimony. Thus, it ruled:

"WHEREFORE, finding the accused ANTONIO BELGA guilty beyond reasonable doubt of the crime of rape, he is hereby convicted of said crime and sentenced to suffer the penalty of reclusion perpetua and to indemnify the victim the amount of FIFTY THOUSAND PESOS (P50,000.00) as moral damages and TWENTY THOUSAND PESOS (P20,000.00) as exemplary damages."^[2]

Accused-appellant Antonio is now before this Court raising the following errors allegedly committed by the trial court:

A. THE DECISION SOUGHT TO BE REVIEWED IS NOT IN CONSONANCE WITH LAW AND JURISPRUDENCE;

B. THE GUILT OF THE ACCUSED IS NOT PROVEN BEYOND REASONABLE DOUBT.

In essence, the defense claims that the rape could not have been committed because of the presence of many people participating in the *pabasa*. The defense further avers that Annalyn, being abnormal, could be easily coached and her statements tailored.

We are not persuaded.

In rape cases, courts are guided by the following principles: (1) to accuse a man of rape is easy, but to disprove it is difficult though the accused may be innocent; (2) considering that in the nature of things, only two persons are usually involved in the crime of rape, the testimony of the complainant should be scrutinized with great caution; and (3) the evidence for the prosecution must stand or fall on its own merit and not be allowed to draw strength from the weakness of the evidence for the defense.^[3]

In the case at bar, the trial court has to rely on its own assessment of the credibility of both parties, particularly that of the complainant. Credible witness and credible testimony are the two essential elements for the determination of the weight of a particular testimony. This principle could not ring any truer than in this case where the prosecution relies mainly on the testimony of the complainant, corroborated by the medico-legal findings of a physician.^[4] Be that as it may, the accused may be convicted on the basis of the lone, uncorroborated testimony of the rape victim, provided that her testimony is clear, positive, convincing and otherwise consistent with human nature.^[5]

The trial court found Annalyn to be credible, sincere and unequivocal when she testified as follows:

"Prosecutor Villafuerte:

Q. After Antonio Belga held your breast, what happened next?

WITNESS:

A. He removed my panty.

Q. And so he was able to remove that?

A. Yes, sir.

Q. Did you not resist?

A. I did not resist.

Q. Why?

A. Because he is going to kill me.

Q. After removing your panty, what did he do next?

A. He inserted his penis into my vagina."^[6]

Annalyn's testimony was corroborated by the medical finding that she had indeed been raped. This was not disputed by the defense.

Furthermore, by his own admission, Antonio was at the scene of the crime at the time it was committed. Nonetheless, he insisted he could not have raped Annalyn due to the presence of people in the area. He claimed that the "*pabasa* was taking place at the other end of the table which was just around two (2) armslength from where the complainant was sleeping and in (*sic*) the same table where the drinking spree took place."

Antonio's claim that the *pabasa* was held on the same table where Annalyn was