

SECOND DIVISION

[G.R. No. 139834, February 19, 2001]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
REYNALDO TOLENTINO Y SANTOS, ACCUSED-APPELLANT.**

D E C I S I O N

MENDOZA, J.:

This is an appeal from the decision^[1] of the Regional Trial Court, Branch 55, Macabebe, Pampanga, finding accused-appellant Reynaldo Tolentino y Santos guilty of rape of Elena D. Duncil and sentencing him to suffer the penalty of *reclusion perpetua* and to indemnify the offended party in the amount of P75,000.00.

The information against accused-appellant alleged —

That on or about the 23rd day of January 1998, at Sitio Cabio Bacal, in Barangay Balucuc, Municipality of Apalit, Province of Pampanga, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, REYNALDO TOLENTINO y SANTOS, with lewd design, by means of force, threat and intimidation, did then and there wilfully, unlawfully and feloniously have carnal knowledge with one Elena D. Duncil, 15 years old, against her will and without her consent.

Contrary to law.^[2]

Upon being arraigned, accused-appellant pleaded not guilty whereupon he was tried. The facts found during the trial are as follows:

On January 23, 1998, at around 11 p.m. to midnight, while complainant Elena D. Duncil, then 15 years old, was sleeping with her brother and sister in their house in Sitio Cabiong-Bakal, Balucuc, Apalit, Pampanga, she was awakened by a kick from her brother and found accused-appellant, her uncle, beside her. Accused-appellant, armed with a knife, pointed it at her and told her not to shout, otherwise he would kill her. Accused-appellant then punched her in the stomach and legs, rendering her unconscious. When complainant regained consciousness at 6:30 a.m. the next day, accused-appellant was gone. She found that her shorts and panties had been pulled down and her vagina was bleeding. She did not immediately report to anyone what happened to her as her parents were both away and accused-appellant threatened to kill her and her family if she did so.

On February 27, 1998, complainant finally told her aunt what accused-appellant had done to her. With her aunt's assistance, complainant thereafter reported the matter to the police and submitted herself to examination by Dr. Annanina S. Tagle. In her report, Dr. Tagle found incompletely healed lacerations at 3 and 5 o'clock positions and a completely healed laceration at 9 o'clock position in complainant's genitals.^[3]

On March 4, 1998, she executed her affidavit^[4] on the basis of which this case was filed against accused-appellant.^[5]

Accused-appellant denied the accusation against him. He claimed that at around 6 p.m. of the day in question, he was in the house of his cousin Teodoro Cortez, about 500 meters away from complainant's residence, where he stayed for about an hour before going home to Cabio Bacal, Apalit, Pampanga. His house and complainant's were only one house apart.

Accused-appellant claimed that complainant filed this case against him upon the instigation of Ernesto Duncil, who lost in his bid for the position of barangay captain because accused-appellant and his family campaigned for Duncil's opponent.^[6]

In spite of the failure of Dr. Annanina S. Tagle to testify on her medico-legal report, accused-appellant admitted her findings in his memorandum.^[7]

On May 25, 1999, the trial court rendered its decision, the dispositive portion of which reads:

WHEREFORE, in view of all the foregoing, the Court finds the accused Reynaldo Tolentino y Santos guilty beyond reasonable doubt of the crime of rape and as a consequence of which, he is hereby sentenced to suffer the penalty of *reclusion perpetua* and to indemnify the offended party the amount of P75,000.00.

SO ORDERED.^[8]

Hence this appeal by accused-appellant who contends that —

1. THE PROSECUTION MISERABLY FAILED TO PROVE THE GUILT OF THE ACCUSED.
2. THE HONORABLE LOWER COURT ERRED IN CONVICTING THE ACCUSED.^[9]

Accused-appellant argues that if complainant lost consciousness because she had been punched in the stomach and legs, then she cannot possibly say that he was the person who thereafter raped her.

The contention is without merit.

The rule is that the findings of trial courts on credibility of witnesses are entitled to great respect and should not be disturbed upon appeal unless it is shown that a material fact has been overlooked or misappreciated. The trial judge is in the best position to evaluate the declarations and deportment of witnesses because of his opportunity to observe them on the witness stand.^[10]

The court *a quo* did not err in giving credence to complainant's testimony. No person would submit herself to medical examination and undergo the humiliation of a public trial to testify on her ordeal if it is not because she is seeking vindication for an injustice.^[11] There was no showing that complainant was impelled by ill motive to