

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. MARIO ALVAREZ Y GERMONES, ACCUSED-APPELLANT.

Ponente: SALANDANAN-MANAHAN, J.

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SALANDANAN-MANAHAN, J.:

Before us is an Appeal pursuant to Section 3, Rule 122 of the Rules of Criminal Procedure seeking to reverse and set aside the 14 August 2013 Joint Decision[1] of the Regional Trial Court (RTC) of Valenzuela City, Branch 172 in the following Rape cases in relation to RA 7610 docketed as:

- (1) Criminal Case No. 276-V-09,
- (2) Criminal Case No. 277-V-09, and
- (3) Criminal Case No. 278-V-09

which found the accused Mario Alvarez y Germones guilty beyond reasonable doubt as principal for two (2) counts of Rape under paragraph 2 of Article 266-A and one (1) count of Rape under paragraph 1 of Article 266-A of the Revised Penal Code (RPC), the dispositive portion of which reads, to wit:

"WHEREFORE, the court finds the accused MARIO ALVAREZ y GERMONES guilty beyond reasonable doubt as principal for the crimes of:

- Two (2) counts of Rape under paragraph 2 of Article 266-A of the Revised Penal Code, in Criminal Cases Nos. 276-V-09 and 278-V-09, and he is hereby sentenced to suffer the penalty of imprisonment of six (6) years of Prision Correccional as minimum to twelve (12) years of Prision Mayor as maximum for each count. The accused is likewise ordered to pay AAA the amount of P30,000.00 as civil indemnity, P30,000.00 as moral damages and P30,000.00 as exemplary damages for each count; and
- One (1) count of Rape under paragraph 1 of Article 266-A of the Revised Penal Code in Criminal Case No. 277-V-09 and he is hereby sentenced to suffer the penalty of reclusion perpetua. The accused is likewise ordered to pay AA the amount of P50,000.00 as civil indemnity, P50,000.00 as moral damages and P30,000.00 as exemplary damages.

The City Jail Warden of Valenzuela City is hereby directed to immediately transfer/commit the accused to the New Bilibid Prison, Muntinlupa City and submit report to the court within five (5) days from compliance.

SO ORDERED."[2]

FACTS

Accused Mario Alvarez (accused, for brevity) was charged with three (3) sets of Informations all dated 3 March 2009, for the crime of Rape in relation to R.A. 7610, which reads as follows:

Crim. Case No. 276-V-09

"That on or about October 5, 2008, in Valenzuela City, Metro Manila and within the jurisprudence of this Honorable Court, the above-named accused, with lewd design by means of force and intimidation employed

upon the person of one AAA[3] 12 YEARS OLD, did then and there willfully, unlawfully and feloniously insert his finger inside the vagina of complainant/ victim, against her will and without her consent, thereby subjecting the said minor to sexual abuse which debased, degraded and demeaned her intrinsic worth and dignity as a human being.

CONTRARY TO LAW."[4]

Crim. Case No. 277-V-09

"That on or about November 5, 2008 in Valenzuela City, Metro Manila and within the jurisdiction of this Honorable Court, the above-named accused, with lewd design, by means of force and intimidation employed upon the person of one AAA 12 years old (April 27, 1996), did then and there willfully, unlawfully and feloniously have sexual intercourse with her against her will and without her consent, thereby subjecting the said minor to sexual abuse which debased, degraded and demeaned her intrinsic worth and dignity as a human being.

CONTRARY TO LAW."[5]

Crim. Case No. 278-V-09

"That on or about October 11, 2008, in Valenzuela City, Metro Manila and within the jurisdiction of this Honorable Court, the above-named accused, with lewd design, by means of force and intimidation employed upon the person of one AAA 12 years old (April 27, 1996), did then there willfully, unlawfully and feloniously insert his finger inside the vagina of complainant/victim, against her will and without her consent, thereby subjecting the said minor to sexual abuse which debased, degraded and demeaned her intrinsic worth and dignity as a human being.

CONTRARY TO LAW."[6]

On 3 March 2009, a Resolution⁷ was issued by the Office of the City Prosecutor of Valenzuela City, finding the accused liable for the charge of Rape in relation to RA 7610, reasoning in this wise:

"Respondent is liable as charged. Complainant is barely twelve years old. It is very hard to imagine that at such tender age, she would have the audacity to concoct such outrageous charges against respondent.

It is therefore recommended that respondent be charged in Court with one count of rape committed by sexual intercourse on November 5, 2008 and two other counts of rape committed by respondent's inserting his finger in the vagina of complainant with a recommended bail of one hundred twenty thousand pesos (P120,000.00) each count."[8]

A warrant of arrest was issued against the accused on 11 May 2009. However, the case was archived[9] on 8 February 2010 because the accused remained at large. The case was revived[10] when he was arrested on 17 September 2012 and was committed to the Valenzuela City Jail on 20 September 2012.

Upon arraignment on 9 October 2012, the accused assisted by counsel, entered a plea of not guilty[11] in all counts.

Pre-trial[12] was held and thereafter, trial ensued.

During the trial, the prosecution presented AAA and PSI Maria Anna Lissa dela Cruz. On the other hand, the defense presented the accused and his witnesses, Regilyn "Aiza" Villegas, Marivic Alvarez and Mary Jane Alvarez.

Accused-Appellant is currently detained at the New Bilibid Prison, Muntinlupa City.

EVIDENCE FOR THE PROSECUTION

Culled from the Decision of the RTC, the prosecution's evidence was anchored on the testimony of the victim, AAA, and the PSI Maria Anna Lissa dela Cruz. The pertinent portion of the RTC Decision reads:

"AAA was born on April 27, 1996 (EXH. B). The accused is her first cousin. They are neighbors.

On October 5, 2008, at around 2:30pm, AAA was in the house of the accused, sleeping together with her two nieces, Joanne and Mary Jane. Suddenly, the accused embraced AAA and told her to keep quiet. The eyes of the accused were red, and he appeared drunk. The accused removed AAA's shorts and panty and inserted his finger inside her vagina. AAA felt pain. She pushed the accused, but the latter told her to behave. The accused told AAA not to create noise, because he would kill her, if she would. After inserting his finger inside her vagina, the accused told AAA to put on her shorts and panty. He warned her, not to tell anyone about the incident, otherwise, he would kill her parents. So, AAA did not tell her parents, because she was afraid, that she and her parents might be killed by the accused.

On October 11, 2008 at around 6:30pm, while AAA was in their house, the accused called her. AAA complied, and went to the house of the accused. At that time, there were only two of them in his house. The accused, in an angry tone, ordered AAA to enter his room. Afraid, AAA followed the order of the accused. At that time, the accused was 28 years old, while AAA was 12 years old. The accused closed the door of the sala, and he went inside his room. The accused told AAA to remove her shorts and panty. He also told AAA to lie down on the floor. AAA complied. While AAA was lying on the floor, the accused inserted his finger inside AAA's vagina, and mashed her breast. AAA cried. The accused warned AAA: "Wag kang magsusumbong kung ayaw mo mamatay ka at mga magulang mo." Then, somebody knocked the door in the sala. The accused told AAA to dress up quickly. The accused went to the sala, and he opened the door. It was Marlyn Alvarez, the sister of the accused. AAA immediately went downstairs and left.

On November 5, 2008 at around 1:00 o'clock in the morning. AAA was in her room, sleeping. Then, somebody poked at her. She saw the accused. The accused closed AAA's mouth, and he told her not to create any noise, otherwise, he would kill her. The accused removed AAA's panty and shorts. He also removed his shorts and brief. The accused mounted on AAA, and he inserted his penis inside her vagina. He made a push and pull motion. While doing so, the accused kissed AAA's neck, and he mashed her breast. After he was finished, the accused left.

AAA did not tell anyone about her ordeal. One day, AAA's brother read the text message in the cellphone of AAA sent by the accused, warning AAA not to tell anyone about the incident. AAA's brother told their mother about the text message. When AAA was confronted by her mother, AAA finally revealed everything that happened to her in the hands of the accused.

AAA and her mother went to the police station to lodge complaint against the accused. They also went to the Northern Police District Crime Laboratory for physical and genital examination.

Dr. Maria Anna Lissa Dela Cruz examined AAA on November 25, 2008. She prepared initial Medico-Legal Report, Final Medico-Legal Report, and Sexual Crime Protocol. Based on her findings, she found deep healed laceration at 6 o'clock position in the hymen of AAA. She concluded, that, there was clear evidence of blunt penetrating trauma to the hymen. She opined, that, the blunt penetrating trauma could have been caused by a blunt object like an erect penis or finger that has penetrated the hymenal area of the genitalia."[13]

EVIDENCE FOR THE DEFENSE

On the other hand, the defense presented the accused and his witnesses: live-in partner Regilyn Villegas, sister Marivic Alvarez and niece Mary Jane Alvarez. The pertinent portion of the RTC Decision reads:

"The accused denied the charge. According to him, on the dates and time of the alleged incident, he was in their house. The reason why the family of AAA filed the cases, was because they bore a grudge against him.

They were jealous of his good job. He was then staff of Congressman Magi Gunigundo of Valenzuela City. His father cut the electricity and water supply of the house of AAA's family, because they could not pay them. AAA wanted to destroy his relationship with his live-in partner. He learned that AAA likes him. AAA sent a text message to his live-in partner in this manner: "Mang-aagaw ng boyfriend". He and his live-in partner were supposed to get married but did not push through, because AAA filed the present cases.

Accused's girlfriend, Rejilyn Villegas testified, that, on October 5, 2008, she together with accused, and his family, attended the Milo Marathon in Luneta. At around 12:00 o'clock noon of the same day, while they were taking pictures, she received a text message from AAA which states: "Putang ina mo, malandi ka. Mang-aagaw ng boyfriend." She did not mind AAA, because the latter was still young, and it was just a result of AAA being in love with the accused.

Rejilyn further testified that on October 11, 2008 at around 2:30pm, while she and the siblings of the accused were talking, AAA joined them. She heard AAA telling the older sisters of the accused that her uncle fingered her and mashed her breast.

Marivic Alvarez and Mary Jane Alvarez, sister and niece of the accused respectively, corroborated Rejilyn. According to them, AAA told them that her uncle fingered her, and her stepbrother mashed her breast. They pitied her. They advised her to ask her mother to give her separate room so that she will have privacy. They also told the mother of AAA of what the latter narrated to them, but the mother of AAA did not believe them.

They further testified, that, the reason why AAA filed the instant cases was because AAA likes the accused, and AAA does not want the marriage of the accused and his live-in partner to push through."[14]

On 14 August 2013, the Regional Trial Court found accused Mario Alvarez guilty beyond reasonable doubt as principal for the crime of Rape against AAA.[15]

Seeking recourse from his conviction, the accused-appellant filed a Notice of Appeal[16] on 16 August 2013 which was given due course by the RTC in its Order[17] dated 2 September 2013.

The accused interpose this instant appeal praying for the reversal of the above-cited decision and raising this lone assignment of error:

THE TRIAL COURT GRAVELY ERRED IN FINDING THE ACCUSED-APPELLANT GUILTY BEYOND REASONABLE DOUBT OF THE CRIME OF RAPE DESPITE THE PROSECUTION'S FAILURE TO OVERTHROW THE CONSTITUTIONAL PRESUMPTION OF INNOCENCE IN HIS FAVOR.[18]

RULING

We hold in the negative.

Accused is guilty of the crime of
Rape under paragraphs 1 and 2 of
Article 266-A of the Revised Penal
Code.

A man commits rape by having carnal knowledge of a child under twelve (12) years of age even in the absence of any of the following circumstances: (a) through force, threat or intimidation; (b) when the offended party is deprived of reason or otherwise unconscious; or (c) by means of fraudulent machination or grave abuse of authority.[19]

A careful reading and evaluation of the evidence on record reveals that the foregoing elements are sufficiently established by the prosecution. The credible testimony of AAA corroborated by the medico-legal's finding of penetration conclusively established the essential requisite of carnal knowledge. When the physician's findings of

penetration, as in this case, is corroborated by the victim's testimony, there is sufficient reason to conclude that the essential requisite of carnal knowledge exists.[20]

As the trial court observed the demeanor of AAA when she testified in court, it found that her testimony is consistent throughout her direct and cross-examinations. She never contradicted herself, despite the rigorous cross-examination of the defense counsel. Her crying in court showed truthfulness on her charges against the accused.[21]

It has been said in the case of *People vs. Saludo*[22], that the declaration on the witness stand of rape victims who are young and immature, deserve full credence. Thus, after the trial court has established that AAA was a credible witness with her clear, positive and probable, corroborated testimony, it declared that the same was enough to convict the accused of the crime of rape. Since there are usually only two witnesses in rape cases, it is also a settled rule that rape may be proven by the lone uncorroborated testimony of the offended victim, as long as her testimony is clear, positive and probable.[23]

In this case, the trial court properly applied the long-standing rule in rape cases that testimonies of victims which are given in a categorical, straightforward, spontaneous, and frank manner are considered worthy of belief, "for no woman would concoct a story of defloration, allow an examination of her private parts and thereafter allow herself to be perverted in a public trial if she was not motivated solely by the desire to have the culprit apprehended and punished.[24] In the absence of ill-motive, "the victim's tale of defloration, simple, candid, straightforward and unflawed by any material inconsistency, is entitled to full faith and credence. Clearly, these rules find extra significance in a case involving a young girl, whose innocence was viciously preyed on for lust.[25]

The accused failed to meet the requirements for the defense of alibi.

The accused denied the charges of Rape. To corroborate the defense of alibi, the testimony of Regilyn Villegas, the live-in partner of the accused, was presented by the defense to reveal that the accused was with her at the Milo Event in Luneta on the date the first rape was committed. In her testimony she stated, to wit:

"CROSS EXAMINATION OF DEFENSE WITNESS REGILYN VILLEGAS by ATTY. MARIA CRISTINA FAVIS :

x x x

"Q:

Now you said that on October 5, 2008 you and Mario Alvarez were in Luneta for a Milo marathon. You remember saying that?

A:

Yes, sir.

Q:

And what time did you go to Luneta?

A:

12:00 noon, sir.

Q:

And what time did you meet Mario?

A:

Also on that same time, sir.

Q:

Around 12:00 o'clock noon?

A:

Yes, sir.

Q:

And what time did the marathon finish?

A:

2:00 o'clock sir.

Q:

And after 2:00 o'clock what happened?

A:

We went home, sir."[26]

We find that the defense of denial and alibi of the accused cannot prosper. The evidence presented by the defense deserves scant consideration.

There is likewise an array of cases in this jurisdiction where the Supreme Court has declared that for the defense of alibi to prosper, the court must be convinced that there was physical impossibility on the part of the accused to have been at the locus criminis at the time of the commission of the crime.[27]

"Physical impossibility refers to distance and the facility of access between the situs criminis and the location of the accused when the crime was committed. He must demonstrate that he was so far away and could not have been physically present at the scene of the crime and its immediate vicinity when the crime was committed."[28]

In fact, in rape cases, it has been held that while denial and alibi are legitimate defenses, bare assertions thereof cannot overcome the categorical testimony of the victim.[29] In this case, the defense of alibi is weak for the accused was not able to present any other proof to corroborate his defense.

Applying hereon the case of *People vs. Arevalo*[30], for the defense of alibi to prosper, the accused must prove not only that he was at some other place at the time of the commission of the crime but also that it was physically impossible for him to be at the locus delicti or its immediate vicinity.

In the present case, accused failed to demonstrate this fact. In the testimony of the accused, he revealed that at the date and time of the commission of the offenses, he was at his house, to wit:

"DIRECT EXAMINATION OF ACCUSED MARIO ALVAREZ y GERMONES by ATTY. MARIA CRISTINA FAVIS :

x x x

Q:

Mr. Witness do you still remember where were you on October 5, 2008?

A:

Yes, ma'am.

Q:

And where were you?

A:

I was in our house, ma'am."[31]

x x x

Q:

How about on October 11, 2008, do you still remember where were you?

A:

I was also in our house, ma'am.

Q:

Do you still remember what did you do on October 11, 2008?

A:

I just stayed in our house, ma'am.

Q:

How about on November 5, 2008?

A:

I used to be in our house, ma'am."[32]

Worth stressing is the fact that the only evidence presented by the defense to corroborate the testimony of the accused on the issue of his whereabouts at the time of the commission of the crime, was from Regilyn Villegas. However, the testimony of Regilyn Villegas failed to corroborate this fact when she gave an inconsistent statement in saying that on 5 October 2008, she was with the accused at a Milo Marathon event in Luneta until 2:00 pm.[33] It goes without saying that her statement failed to disprove that it was physically impossible for the accused to be at the scene of the crime committed on said date. Thus, the defense of alibi is weak since the same is wanting in material corroboration.

Indubitably, the defense failed to show that it was impossible for the accused to have committed the crime. Clearly, the proximity of the accused to the scene of the crime when they were committed refutes the defense of alibi.

Further, the defense of alibi cannot prevail over the victim's positive identification of the perpetrator of the crime, except when it is established that it was physically impossible for the accused to have been at the locus criminis at

the time of the commission of the crime.[34]

The testimonies of the accused and his witnesses are self-serving which are not supported by other evidence.

The defense anchors its arguments on the testimonies of the accused and its witnesses, namely: Regilyn Villegas, Marivic Alvarez and Mary Jane Alvarez.

First, the accused argues that if indeed AAA had been raped, it was not the accused who raped her. The accused revealed that AAA was molested and raped by her uncle, Ryan Albao and stepbrother Jojo Pelaso. The said fact was corroborated by his witnesses in their testimonies when they revealed that:

"DIRECT EXAMINATION OF DEFENSE WITNESS REGILYN VILLEGAS by ATTY. MARIA CRISTINA FAVIS :

x x x

Q:

In your sworn statement you also stated that on October 11, 2008 while you and the sister of Mario were having a conversation Emily Flora went upstairs. Could you still recall what did Emily Flora do on that date?

A:

She told us a story while crying.

Q:

What was the story about?

A:

According to her she was raped by her uncle and her uncle mashed her breast and she was crying."[35]

" DIRECT EXAMINATION OF DEFENSE WITNESS MARIVIC ALVAREZ by ATTY. MARIA CRISTINA FAVIS :

x x x

Q:

And what was the problem that she relayed to you during that time?

A:

She told me that she doesn't want to go home in her house and asked if she could sleep in our house.

Q:

And what was the reason why she does not want to stay in their house and she wants to live with you?

A:

She told me that her uncle was doing something bad to her; that he was touching her private part and her stepbrother was also hugging her and touching her breast also.

Q:

What are the names of the persons who were doing wrong to Emily Flora?

A:

Her uncle Beranio Ablao alyas Ryan and Joane Pelaso alyas Jojo.

Q: This alyas Jojo is the brother of Emily Flora?

A: Stepbrother.

Q: And alias Ryan is the uncle of Emily Flora?

A: Yes, ma'am."[36]

" DIRECT EXAMINATION OF DEFENSE WITNESS MARY JANE ALVAREZ by ATTY. MARIA CRISTINA FAVIS:

x x x

Q: A while ago you were here when your Auntie Marivic Alvarez testified and she mentioned that you were with her when Emily Flora revealed her problem?

A: Yes, ma'am.

Q: And what was the problem of Emily Flora?

A: She told us about the pambabastos of her uncle and stepbrother.

Q: Could you still recall if Emily Flora stated the specific act made by her uncle and stepbrother?

A: Yes, ma'am.

Q: What was the specific act made by her uncle and stepbrother to her?

A: She told us that her uncle was touching her private part while her stepbrother was mashing her breast."[37]

Also, anent the corroborating evidence presented by the prosecution, the accused pointed out that the medico-legal report which indicated healed lacerations in her private part may have possibly been caused by an incident before the alleged first rape on 5 October 2008.

"CROSS EXAMINATION OF PROSECUTION WITNESS PCI MARIA ANNA LISSA DELA CRUZ by
ATTY. MARIA CRISTINA FAVIS:

x x x

Q:

Your findings and conclusion doctor is that there is a deep healed laceration on the hymen, is that correct?

A:

Yes, ma'am.

Q:

When did you conduct the examination, doctor?

A:

November 25, 2008.

Q:

Could it be possible, doctor that the deep healed laceration on the hymen was inflicted months prior to your examination like in August? Or even prior to September?

A:

Yes, ma'am..."[38]

Second, accused avers that the motives of AAA and her family in filing the complaint against him arose from family feuds and resentment against Mario.[39] He adds that what pushed AAA to file a complaint was to stop the impending marriage between him and his long time live-in partner, Regilyn Villegas.[40] Furthermore, there was also envy on the part of AAA's family against the accused because he was gainfully employed while the former's family could barely pay their electrical and water bills.[41]

We find that the assertions of the accused lacks substance.

Accused was given the opportunity to show the court that AAA was driven by some ill motive to falsely testify against him. Evidently, his allegations of jealousy and envy were unsupported by evidence nor were they corroborated in all points by his witnesses.

At any rate, a careful scrutiny of the witnesses presented by the defense would reveal that they failed to corroborate the defense of denial and alibi made by the accused. All three witnesses for the accused merely corroborated on the defense of denial by stating that AAA told them a story about the sexual abuses done to her by her uncle and stepbrother.[42] In addition, Marivic Alvarez, the sister of the accused, corroborated that the alleged motive of AAA to file the charges against the accused was due to jealousy because AAA likes her brother.[43] Interestingly, the testimony of Regilyn, the live-in partner of the accused, was inconsistent with the

alibi of the accused about his whereabouts at the time of the commission of the crime.

Taken all together, it is clear that for defense of alibi to prosper, it is necessary that the corroboration is credible, the same having been offered preferably by disinterested witnesses. In the case of *People vs. Antivola*[44], the testimonies of the relatives and friends corroborating that of the appellant that he was in their company at the time of the commission of the crime were likewise disregarded by the Court.

Applying the same to the instant case, the defense witnesses cannot qualify as disinterested witnesses, they being related or were one way or another linked to each other. In addition, the defense failed to prove that it was physically impossible for the accused to have been at the time and place of the commission of the crime. In fact, aside from the testimony of the accused, and the testimonies of witnesses who are related or in any way linked to him, the defense did not present any other evidence to prove that it was impossible for him to have committed the crime.

Time and again, the Supreme Court has uniformly held, that both denial and alibi are among the weakest, if not the weakest, defenses in criminal prosecution.[45] It is well-settled that denial, if unsubstantiated by clear and convincing evidence, is a self-serving assertion that deserves no weight in law. Thus, mere denial without any strong evidence to support it, can scarcely overcome the positive declaration by the child-victim of the identity of the accused and his involvement in the crime attributed to him. We cannot overemphasize the repeatedly quoted doctrine that positive identification prevails over denial and alibi.[46]

Prosecution's evidence were
sufficient to establish the guilt of
accused.

The accused maintains that the prosecution fell short of its duty of proving its guilt beyond reasonable doubt and that the trial court decided the case on the basis of the weakness of the evidence presented by the accused. It avers that the trial court gravely erred in convicting the accused of the crime of rape because the pieces of evidence presented by the prosecution were insufficient to satisfy the requirements of law.[47]

In its Joint Decision, the RTC found that the prosecution has sufficiently established that on separate occasions on 5 October 2008 and 11 October 2008, the accused through force, threat and intimidation inserted his finger inside the vagina of AAA. And on November 5, 2008, the accused, this time, no longer contented with his finger, using force, threat and intimidation, inserted his penis inside the vagina of AAA.[48]

We agree with the trial court's findings.

First, the trial court found that the credible testimony of AAA, corroborated by the medico-legal findings, are enough to prove that the crime of rape has been committed by the accused.

In this case, the trial court found that AAA's testimony deserves full credence.[49] At the time of her testimony, the demeanor of AAA was scrutinized and it was found that she was consistent throughout her direct and cross-examinations, she never contradicted herself and her crying in court showed truthfulness on her charges against the accused. More importantly, the testimony of AAA was supported by the medico-legal findings of the examining physician.

Well entrenched is the principle that the trial court's findings on the credibility of witnesses and of their testimonies are accorded the highest respect. In a long line of cases, it has been consistently ruled that the determination by the trial court of the credibility of the witnesses deserves full weight and respect considering that it has the opportunity to observe the witnesses' manner of testifying, their furtive glances, calmness, sighs and the

scant or full realization of their oath[50], unless it is shown that material facts and circumstances have been "ignored, overlooked, misconstrued, or misinterpreted." [51]

Accordingly, the Supreme Court has often stressed that the credible, natural, and convincing testimony of the victim may be sufficient to convict the accused.[52] More so, when the testimony is supported by the medico-legal findings of the examining physician.[53]

In the instant case, it is observed that the straightforward and consistent answers to the questions elicited from AAA reveals that she was raped. When a woman, more so a minor, says so, she says in effect all that is essential to show that rape was committed.[54]

Significantly, the facts sufficiently indicated that AAA was only 12 years old, a minor at the time of the incidents in question, while the accused was 28 years old. Notably, declaration on the witness stand of rape victims who are young and immature, deserve full credence.[55] In the same token, youth and immaturity are normally badges of truth and honesty.[56] Therefore, the credible testimony of AAA corroborated by the physician's finding of penetration conclusively established the essential requisite of carnal knowledge.[57]

Second, the trial court found that the defense of the accused cannot prevail over the positive testimony of AAA.[58] It found that the alleged motives of AAA as averred by the accused are not enough to destroy her credibility. Stating further that no person, and a minor at that, would expose herself to the ignominy of a rape trial or to the shame and scandal of having to undergo such a debasing ordeal merely to satisfy her alleged motive, if the charges are not true.[59]

The prosecution correctly averred that the accused failed to prove that he was somewhere else and it was physically impossible for him to commit the crime. Thus, the alibi of the accused that it was not him who raped the victim is unsubstantiated. Further, there is no other proof that accused was not at the scene of the crime except the self-serving testimony of the accused.[60]

Without a doubt, the narration of AAA prevails over the bare denial and weak alibi of the accused. Self-serving statements cannot be accorded greater evidentiary weight than the declaration of a credible witness on affirmative matters. Time-tested is the rule that between the positive assertion of prosecution witnesses and the negative averment of an accused, the former undisputably deserves more credence and is entitled to greater evidentiary value.[61]

It is a time honored principle that the defense of alibi cannot prevail over the victim's positive identification of the accused as the perpetrator of the crime.[62] Records reveal that AAA positively identified the accused as the perpetrator of the crime.[63] Furthermore, AAA testified positively and unwaveringly that it was her cousin, herein Mario Alvarez the accused, who raped her on 5 October 2008, 11 October 2008, and 5 November 2008.[64]

All considered, We find that the prosecution has sufficiently established the guilt of the accused beyond reasonable doubt.

WHEREFORE, premises considered, the instant appeal is DENIED. Accordingly, the 14 August 2013 Joint Decision of the Regional Trial Court, Branch 172, Valenzuela City in Criminal Case Nos. 276-V-09, 277-V-09 and 278-V-09 is hereby AFFIRMED in toto.

SO ORDERED.

Dimaampao J.B., (Chairperson), and Ybañez, E.A., JJ., concur.

[1] Rollo, pp.47-51.

[2] Rollo, p.51.

[3] Pursuant to the ruling of the Supreme Court in *Ppl vs. Cabalquinto* (GR No. 167693, 19 September 2006, 502 SCRA 419), the real name of the victim is withheld, instead, fictitious initials are used to represent her in the decision. The personal circumstances of the victim and other information tending to establish or compromise her identity, as well as those of her immediate family or household members is not disclosed.

[4] Rollo, p.47.

[5] Rollo, pp.47-48.

[6] Rollo, p.48.

[7] Records, Criminal Case No. 277-V-09, pp.2-3.

[8] Records, Criminal Case No. 277-V-09, p.1.

[9] Records, Criminal Case No. 276-V-09, p.6. Per Order dated 8 February 2010 of Regional Trial Court of Valenzuela City, Branch 172, to wit: "Considering that there is yet no return on the order of arrest issued against the accused on May 11, 2009, and in order that this case may not appear pending in the active docket of this Court for an indefinite period of time, let the record of this case be sent to the archives without prejudice to its being retrieve (sic) therefrom as soon as the accused has been apprehended or voluntarily surrendered in court.x x x"

[10] Records, Criminal Case No. 276-V-09, p.19. Per Order dated 21 September 2012 of Regional Trial Court of Valenzuela City, Branch 172, to wit: "It appearing that the accused Mario Alvarez y Germones has been apprehended by the Valenzuela police authorities and now presently detained at the Valenzuela City Jail, these cases are hereby revived and let the arraignment of the accused be set on October 9, 2012, Pre-trial conference on October 23, 2012 and Initial trial on November 6, 2012 all at 8:30 a.m. SO ORDERED."

[11] Records, Criminal Case No. 276-V-09, p.20. Per Order dated 9 October 2012 of RTC Valenzuela City, Branch 172, to wit: "x x x The Informations for Rape in relation to RA 7610 (3 counts) were read to the accused in Tagalog, a language he understands, after which the accused entered a plea of not guilty to the offense charged. Accordingly, let a plea of not guilty be entered into the records of these cases. x x x"

[12] Records, Criminal Case No. 276-V-09, pp.23-24. Per Pre-Trial Order dated 23 October 2012.

[13] Rollo, pp.48-49.

[14] Rollo, pp.49-50.

[15] Rollo, pp.47-51; Records, Criminal Case No. 276-V-09, pp.57-61.

[16] Records, Criminal Case No. 276-V-09, p.65.

[17] Records, Criminal Case No. 276-V-09, p.67.

[18] Rollo, p.41.

[19] Article 266-A, paragraph 1(d), Revised Penal Code, as amended by Sec. 2 of The Anti-Rape Law of 1997.

[20] *People vs. Rolly De Guzman*, G.R. No. 188352, 1 September 2010 citing *People vs. Anthony Rante*, G.R. No. 184809, 29 March 2010.

[21] Rollo, p.50, citing TSN, 11 December 2012, p.21.

[22] 647 SCRA 374, 2011.

[23] *People vs. Edgardo Ogarte y Ocob*, G.R. No. 182690, May 30, 2011 citing *People vs. Buenviaje*, 408 Phil. 342, 354 (2001).

[24] *People vs. Rolly De Guzman*, G.R. No. 188352, 1 September 2010 citing *People vs. Edgardo Estrada*, G.R. No. 178318, 15 January 2010.

[25] *People vs. Rolly De Guzman*, G.R. No. 188352, 1 September 2010.

[26] TSN, July 19, 2013, p.14.

[27] *People vs. Trayco*, G.R. No. 171313, 14 August 2009, 596 SCRA 233, 253; *People vs. Paraiso*, G.R. No. 131823, 17 January 2001, 349 SCRA 335, 350-351.

[28] *People of the Philippines vs. Hermie M. Jacinto*, G.R. No. 182239, March 16, 2011 citing *People vs. Trayco*, supra note 17 and *People vs. Limio*, G.R. Nos. 148804-06, 27 May 2004, 429 SCRA 597.

[29] *People vs. Disodado Tubat y Versoza*, G.R. No. 183093, February 1, 2012 citing *People vs. Cachapero*, 428 SCRA 744 (2004).

[30] 421 SCRA 604 (2004).

[31] TSN, 12 July 2013, p.5.

[32] TSN, 12 July 2013, p.6.

[33] Supra, note 20.

[34] *People vs. Hermie M. Jacinto*, G.R. No. 182239, March 16, 2011, citing *People vs. Trayco*, G.R. No. 171313, 14 August 2009, 596 SCRA 233; *People vs. Paraiso*, G.R. No. 131823, 17 January 2001, 349 SCRA 335, 350-351.

[35] TSN, 19 July 2013, p.9.

[36] TSN, 29 July 2013, p.4.

[37] TSN, 29 July 2013, p.10.

[38] TSN, 13 May 2012, p.6.

[39] TSN, 12 July 2013, p.8-9.

[40] TSN, 12 July 2013, p.16.

[41] Rollo, p.43 citing TSN, 12 July 2013, pp.8-9.

[42] TSN, 19 July 2013, p.9; TSN, 29 July 2013, p.4; and TSN, 29 July 2013, p.10.

[43] TSN, 29 July 2013, p.5.

[44] G.R. No. 139236, 3 February 2004, 421 SCRA 587, 598.

[45] *People vs. Espinosa*, 476 Phil. 42, 62 (2004).

[46] *People vs. Edgardo Ogarte y Ocob*, G.R. No. 182690, 30 May 2011 citing *People vs. Espinosa*, 476 Phil. 42, 62 (2004).

[47] Rollo, p.44.

[48] Rollo, p.50.

[49] Rollo, p.50.

[50] *People vs. Hermie Jacinto*, G.R. No. 182239, 16 March 2011 citing *People vs. Celocelo*, G.R. No. 173798, 15 December 2010, further citing *People vs. Fernandez*, 426 Phil. 169, 173 (2002).

[51] *People vs. Ayade*, G.R. No. 188561, 15 January 2010, 610 SCRA 246, 253.

[52] *People vs. Cadap*, G.R. No. 190633, 5 July 2010 citing *People vs. Corpuz*, G.R. No. 168101, 13 February 2006, 482 SCRA 435, 444.

[53] *People vs. Leonardo*, G.R. No. 181036, 6 July 2010; *People vs. Alcazar*, G.R. No. 186494, 15 September 2010.

[54] *People vs. Hermie Jacinto*, G.R. No. 182239, 16 March 2011 citing *People vs. Amatorio*, G.R. No. 175837, 8 August 2010.

[55] *People vs. Saludo*, 647 SCRA 374 (2011).

[56] *People vs. Corpuz*, G.R. No. 168101, 13 February 2006, 482 SCRA 435, 448.

[57] *People vs. Castillo*, G.R. No. 186533, 9 August 2010, citing *People vs. Malones*, 469 Phil. 301, 325-326 (2004).

[58] Rollo, p.50.

[59] Rollo, p.51.

[60] Rollo, p.74.

[61] *People vs. Rolly De Guzman*, G.R. No. 188352, 1 September 2010 citing *People vs. Marianito Monteron*, 428 Phil. 401 (2002).

[62] *People vs. Hermie M. Jacinto*, G.R. No. 182239, 16 March 2011, citing *People vs. Antivola*, G.R. No. 139236, 3 February 2004, 421 SCRA 587, 598.

[63] TSN, 11 December 2012, p.5.

[64] TSN, 11 December 2012, p.7, 10 and 15.

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