

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. PETER ROLF MONTUYA III Y MONTESCLAROS, JOSELITO TEJADA Y LITONG A.K.A. “TOLITS”, ACCUSED-APPELLANTS.

Ponente: BUESER, J.

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BUESER, J.:

Before the Court is an Appeal from the Decision rendered by the Regional Trial Court, Branch 207 of Muntinlupa City finding the accused-appellants guilty of rape in Criminal Case Nos. 10-506-507 entitled “People of the Philippines vs. Peter Rolf Montuya III y Montesclaros, Joselito Tejada y Litong a.k.a. Tolits”.

As culled from the records[1], the antecedent facts of this case are as follows:

It was 12:30 in the morning of August 7, 2010, when AAA[**], then fourteen (14) years old, was standing in the balcony of her aunt's house while waiting for her cousin to finish her bath[2]. AAA intends to spend the night at her aunt's place, explaining that “wala na po kasi kaming matulugan dun sa bahay ng tatay ko”[3].

Her aunt had two male boarders, the accused-appellants in the instant case. They arrived while AAA was waiting for her cousin. Both were drunk. AAA was thirsty, so she asked the two men for water. They gave AAA water, and as she was drinking, she noticed that it has an odd taste or “mapakla”[4]. She felt dizzy and after which, she fainted. AAA recalled that accused-appellant Joselito Tejada (“Joselito”, for brevity) carried her and brought her inside their room[5]. She was familiar with the location of this room as her aunt, the accused-appellants' landlady, had previously made AAA clean the same[6].

Joselito laid AAA on the floor and accused-appellant Peter Rolf Montuya (Peter, for brevity) went on top of her. Her shorts were removed. AAA remembered that Peter was already naked, he inserted his male organ inside AAA's vagina, mashed her breast and removed her blouse.[7]

AAA felt dizzy and too weak to fight the advances of the accused-appellants. Albeit, weak and dizzy with effects of her drink, she was able open her eyes and recognize the accused-appellants, describing Peter as the “kalbo”[8]. After which, Peter told Joselito “hoy, ikaw naman ang umano dito”[9].

Joselito went on top of AAA and inserted his penis inside her vagina¹⁰. AAA fell asleep and when she woke up at around 8 o'clock in the morning, she was lying between the two accused-appellants and the three of them were naked.[11] AAA quietly dressed up and went out of the room[12].

Still uneasy and unable to sleep, AAA eventually confessed her ordeal to her aunt. They reported the incident to the Barangay and thus, based on this complaint, the Barangay Tanods apprehended the accused-appellants.

Thereafter, AAA was subjected to medico-legal examination at Camp Crame. The medico-legal examination revealed the existence of a deep healed laceration on AAA's hymen at 7 o'clock position[13].

Subsequently, two separate informations were filed against the accused-appellants for rape, viz:

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“That on or about the 7[th] day of August 2010, in the City of Muntinlupa, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, conspiring and confederating together and mutually helping and aiding one another, and by means of administering and/or putting something on the water given to a complainant “AAA”, a fourteen (14) year old minor, a child subjected to other sexual abuse, which rendered her dizzy, very weak or without strength, deprived of her reason, and then, did then and there, willfully, unlawfully and feloniously have carnal knowledge of her against will and consent.

Contrary to [L]aw”.

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“That on or about the 7[th] day of August 2010, in the City of Muntinlupa, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, conspiring and confederating together and mutually helping and aiding one another, and by means of administering and/or putting something on the water given to complainant “AAA”, a fourteen (14) year old minor, a child subjected to other sexual abuse, which rendered her dizzy, very weak or without strength, deprived of her reason, and then, did then and there, willfully, unlawfully and feloniously have carnal knowledge of her against will and consent.

Contrary to Law.”

On October 20, 2010, accused-appellants were arraigned and they plead not guilty to the crime charged. Afterwards, trial on the merits ensued.

In his defense, Joselito testified that AAA was his girlfriend¹⁴ and he was not aware that she is fourteen (14) years old. She told him that she was eighteen¹⁵. He also admitted that it was he who had sexual intercourse with AAA and that Peter did not have carnal knowledge with her¹⁶. Moreover, Joselito claimed he did not force AAA. According to him, what took place was consensual sex between him and his girlfriend, AAA¹⁷.

On the other hand, Peter testified that Joselito is his friend and that they both work at Freshtex¹⁸. He corroborated Joselito's testimony that AAA was the latter's girlfriend¹⁹. He denied being at the boarding house on the night AAA was raped, claiming that he went home²⁰ after drinking with Joselito.

On December 4, 2013, the court a quo rendered a Joint Decision²¹ finding the accused-appellants guilty of rape, viz:

“WHEREFORE, the Court finds accused Peter Golf Montoya III y Montesclaros and accused Joselito Tejada y Litong a.k.a. “Tolits” guilty beyond reasonable doubt of rape under Article 266-A (1-b) in: (1) Criminal Case No. 10-506. They are hereby sentenced to reclusion perpetua with no possibility of parole, and are ordered to pay “AAA” P50,000.00 as and for moral damages, and P50,000.00 as and for civil indemnity, with 6% percent per annum upon finality of this decision. 10-507, and in (2) Criminal Case No. 10-507. They are hereby sentenced to reclusion perpetua with no possibility of parole, and are ordered to pay “AAA” P50,000.00 as and for moral damages, and P50,000.00 as and for civil indemnity , with 6% percent per annum upon finality of this decision.

The Jail Warden, Muntinlupa City is directed to commit the persons of the accused to the New Bilibid Prison for the service of their sentence.

SO ORDERED.”

Aggrieved, the accused-appellants filed this appeal on the following grounds:

I

THE TRIAL COURT GRAVELY ERRED IN GIVING UNDUE CREDENCE TO THE PRIVATE COMPLAINANT'S VERSION.

II

THE TRIAL COURT GRAVELY ERRED IN FINDING THE ACCUSED-APPELLANTS GUILTY BEYOND REASONABLE DOUBT OF THE CRIME CHARGED DESPITE THE PROSECUTION'S FAILURE TO OVERTHROW THE CONSTITUTIONAL PRESUMPTION OF INNOCENCE IN THEIR FAVOR.

ISSUE

The pivotal issue in the instant case is whether or not the court a quo erred when it found the accused-appellants guilty beyond reasonable doubt for rape against AAA.

OUR RULING

Accused-appellants assail the credibility of AAA's testimony with respect to what transpired after she drank water. In her direct examination, AAA said that she felt weak and became dizzy. On the other hand, on her cross examination AAA said that she lost consciousness after drinking. Thus, accused-appellants claim that her identification of them as her rapists were dubious since AAA was already unconscious and would not have known who the real perpetrators are.

We disagree. A perusal of the records have shown that AAA testified that she regained consciousness when she was being carried inside the room by the two accused-appellants. She was also able to recount how she was defiled, first by the accused-appellant Peter and by Joselito afterwards. Furthermore, she woke up naked between the two accused-appellants the following morning, thus strengthening her claim that the two accused-appellants raped her.

Verily, it is well settled that it is unthinkable that a young girl like AAA would submit herself to physical examination of her private parts, subject herself and her family to public scrutiny or even ridicule if her accusation of rape were not true[22]. Thus as between the denial of the accused-appellant and the testimony of AAA, the latter deserves greater weight.

Moreover, "the unbroken line of jurisprudence is that this Court will not disturb the findings of the trial court as to the credibility of witnesses, considering that it is in a better position to observe their candor and behavior on the witness stand. Evaluation of the credibility of witnesses and their testimonies is a matter best undertaken by the trial court, because of its unique opportunity to observe the witnesses and their demeanor, conduct, and attitude, especially under cross-examination. Its assessment is respected unless certain facts of substance and value were overlooked which, if considered, might affect the result of the case." [23]

In sum, We find nothing in the records that would compel Us to reverse the findings of the court a quo with respect to AAA's credibility. AAA testified in a categorical, straightforward and consistent manner and when "a woman, more so if she is a minor, says she has been raped, she says, in effect, all that is necessary to prove that rape was committed and if her testimony meets the test of credibility, that is sufficient to convict the accused". [24]

WHEREFORE, premises considered, the Decision of the Regional Trial Court, Branch 207 of Muntinlupa City dated December 4, 2013 in Criminal Case No. 10-506 and Criminal Case No. 10-507 are hereby AFFIRMED in TOTO.

SO ORDERED.

Bruselas, JR., A. D. Chairman and [*]Paredes, V.I., A., JJ., concur.

[*]Acting Junior Member for fifteen (15) working days only from February 24, 2015 per Office Order No. 55-15-ABR dated February 23, 2015.

[1] Rollo, pp. 1-74

[**] The identity of the victim or any information to establish or compromise her identity, as well as those of her immediate family or household members, shall be withheld pursuant to Republic Act No. 7610, "An Act Providing for Stronger Deterrence and Special Protection Against Child Abuse, Exploitation and Discrimination, and for Other Purposes"; Republic Act No. 9262, "An Act Defining Violence Against Women and Their Children, Providing for Protective Measures for Victims, Prescribing Penalties Therefor, and for Other Purposes"; Section 40 of A.M. No. 04-10-11-SC, known as the "Rule on Violence Against Women and Their Children," effective November 5, 2004; and *People v. Cabalquinto*, G.R. No. 167693, September 19, 2006, 502 SCRA 419.

[2] TSN of AAA, August 10, 2011, pp. 5-6.

[3] TSN of AAA, August 10, 2011, pp. 6.

[4] *Ibid*, p. 6.

[5] TSN of AAA, August 10, 2011, pp. 20-27.

[6] *Ibid*, p. 21.

[7] *Ibid*, pp. 7-8.

[8] *Ibid*, p. 9.

[9] *Ibid*, p. 10.

[10] *Ibid*, p.10-11.

[11] TSN of AAA, August 10, 2011, p. 13.

[12] *Ibid*.

[13] Records, p. 26.

[14] TSN of Joselito Tejada, May 2, 2012. p. 4.

[15] TSN of Joselito Tejada, May 2, 2012. p. 20.

[16] *Ibid*, p. 18.

[17] *Ibid*, pp. 11-12.

[18] TSN of Peter Rolf Montuya III, September 19, 2012, p. 3.

[19] TSN of Peter Rolf Montuya III, September 19, 2012, p. 3.

[20] *Ibid*, p. 8.

[21] Rollo, pp. 30-35.

[22] People vs. Dominguez, GR. No. 180914, November 24, 2010.

[23] People vs. Tormis, GR. No. 183456, December 18, 2008 citing People v. Dizon, 453 Phil. 858, 867 (2003).

[24] People vs. Tormis, GR. No. 183456, December 18, 2008, citing People v. Ancheta, 464 Phil. 360, 371 (2004) and People v. Luceriano, 467 Phil. 91, 99 (2004).

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