

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. RICKY ARGUTA ALIAS “JOEL” AND WILSON CAHIPE ALIAS “SIWIT”, ACCUSED-APPELLANTS.

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HERNANDO, J:

Before this Court is an appeal filed by accused-appellants Ricky Arguta and Wilson Cahipe seeking the reversal of the Decision[1] dated July 25, 2008 of the Regional Trial Court (RTC), Branch 6, of Tacloban City finding them guilty beyond reasonable doubt of Rape in Criminal Case No. 97-02-76.

The Antecedents:

A criminal Information was filed against accused-appellants Ricky Arguta and Wilson Cahipe for the crime of Rape. They allegedly committed the offense as follows:

Criminal Case No. 97-02-76

That on or about the 5[th] day of December 1996, in the Municipality of Tanauan, Province of Leyte, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, conspiring, confederating and mutually helping each other, motivated by lewd design, with the use of a bladed weapon, by means of force and intimidation, did then and there willfully, unlawfully and feloniously, have carnal knowledge of one MRI[2], without her consent and against her will.

Contrary to Law.

Concomitantly, another criminal Information for Rape was filed against accused-appellant Wilson Cahipe which he allegedly committed as follows:

Criminal Case No. 97-02-77

That on or about the 5[th] day of December 1996, in the Municipality of Tanauan, Province of Leyte, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, motivated by lewd design, by means of force and intimidation, did then and there willfully, unlawfully and feloniously, have carnal knowledge of one MRI, without her consent and against her will.

Contrary to Law.

When the accused-appellants were arraigned, they registered negative pleas of guilt. After pre-trial, trial on the merits ensued.

The facts of the case according to the prosecution are summarized as follows:

At around eight o'clock in the evening of December 5, 1996, MRI was instructed by her father to fetch her sister in school. When she failed to find her sister, MRI went back home. On her way home, accused-appellants intercepted MRI and dragged her to a cottage at a nearby beach resort. MRI shouted for help but nobody heard her cries. In the cottage, accused-appellants tied MRI's hands and feet. Thereafter, her clothes were forcibly removed and she was made to lie down on the floor. Accused-appellant Ricky Arguta then positioned himself on top of

MRI and inserted his organ into her vagina. After Arguta satisfied his bestial desires, accused-appellant Wilson Cahipe took his turn in raping MRI. After satiating their lust, accused-appellants left MRI at the cottage. However, after an hour had passed, Cahipe went back and dragged MRI out of the cottage. They then proceeded to a store owned by Lino Ostero where MRI relived her harrowing experience in the hands of Cahipe. For a second time, Cahipe mounted on top of her and inserted his organ into her vagina. Thereafter, she was brought back to the cottage. The following morning, MRI's father, who had been looking for her, found her crying at the cottage.

On the other hand, accused-appellants interposed denial and alibi as their defenses. Accused-appellant Wilson Cahipe averred that he was looking after the store of Lino Ostero on the date and time that MRI was allegedly raped. On the other hand, accused-appellant Ricky Arguta asserted that he was simply watching television at the house of Lino Ostero during the evening of the incident. Moreover, accused-appellants stressed that they are oblivious as to the reason why MRI had accused them of the crime charged.

After trial, the court a quo found that accused-appellants' unsubstantiated denials and alibi utterly failed to overturn MRI's rape charges against them. The trial court found MRI's testimony to be credible and worthy of belief since accused-appellants failed to proffer any plausible reason why she would fabricate false charges against them. Moreover, the trial court observed that MRI's testimony of being raped coincided with the physician's medical findings on the healed and partially healed hymenal lacerations found on her genitalia. It ruled that the laceration of the hymen, fresh or healed, is the best physical evidence of defloration. Thus, in its assailed Decision, the trial court found accused-appellants guilty beyond reasonable doubt for the crime of Rape in Criminal Case No. 97-02-76. However, it dismissed the complaint against Wilson Cahipe in Criminal Case No. 97-02-77, to wit:[3]

In VIEW, of all the foregoing, WHEREFORE, the court, in Criminal Case No. 97-02-76, finds accused Ricky Arguta alias "Joel" and Wilson Cahipe alias "Siwit" guilty beyond reasonable doubt with the crime of Simple Rape and there having no modifying circumstance present, sentences each accused to suffer imprisonment of reclusion perpetua and to pay the victim jointly and severally civil indemnity of Fifty Thousand (P50,000.00) pesos and moral damages of Fifty Thousand (P50,000.00) pesos.

In Criminal Case No. 97-02-77, solely charging accused Wilson Cahipe with the crime of rape, due to insufficiency of evidence, accused Wilson Cahipe alias "Siwit" is hereby declared not guilty. The complaint against him is hereby ordered dismissed.

So Ordered.

Hence, the current appeal before Us.

The Issue:

The sole issue in this appeal is whether or not the accused-appellants' guilt was proven beyond reasonable doubt by the prosecution.

The Court's Ruling

The appeal is bereft of merit.

Oft repeated is the rule that factual findings of the trial court on the credibility of witnesses and their testimonies are entitled to the highest respect and will not be disturbed on appeal, in the absence of any clear showing that it overlooked, misunderstood or misapplied some facts or circumstance of weight and substance which would have affected the result of the case.[4] There is no such misapprehension or misapplication committed by the court a quo in this case. The contradictions and inconsistencies espoused by the appellants pertain only to trivial matters.

The exact time when MRI left their house to look for her sister is insignificant in proving the fact of rape. Likewise, MRI's testimony that no person was able to hear her cries for help when appellants dragged her through a populated area at seven or eight o'clock in the evening is inconsequential. Evidently, these deserve scant consideration as aptly ruled in *People v. Antonio*:^[5]

The alleged inconsistencies are inconsequential considering that they refer to trivial matters which have nothing to do with the essential fact of the commission of rape, that is carnal knowledge through force or intimidation. Discrepancies and inconsistencies in the testimony of a witness referring to minor details, and not in actuality touching upon the central fact of the crime, do not impair her credibility. If at all, they serve as proof that the witness is not coached or rehearsed.

Indeed, it was proper for the trial court to rely on the positive identification and faithful account made by the victim herself. MRI's categorical, straightforward and positive identification certainly prevails over the appellants' unsubstantiated denial and alibi.^[6] Verily, appellants' defenses cannot overcome the positive declarations made by the complainant as correctly observed by the trial court:^[7]

The denial by both accused to the charge and to the alibi given by accused Ricky Arguta that at the time of the incident he was viewing TV in the house of his employer and to the alibi given by accused Wilson Cahipe that at the time the incident herein complained of occurred, he was in the store, tended by him, cannot overcome the positive declarations by the complainant. Courts generally view the defenses of denial and alibi with disfavor on account of the aridity and facility with which an accused can concoct them to suit his defense. (*People vs. Olivar*, 411 SCRA 489) Alibi is worthless as against positive identification by prosecution witness. (*People vs. Oco*, 412 SCRA 190) For alibi to prosper, it must be proven that during the commission of the crime, the accused was in another place and that it was physically impossible for him to be at the locus criminis. (*People vs. Alfaro*, 412 SCRA 293) This is not true in this case.

Concededly, appellants were well within the vicinity where the crime was committed. Wilson Cahipe claimed he was at the store owned by Lino Ostero at the time of the incident. Meanwhile, Ricky Arguta asserted that he was at the house of Ostero. It bears stressing that the cottage where MRI was raped is within the same barangay, Barangay Sto. Niño, where the store and house of Ostero are located. Moreover, the distances between these places could easily be traversed by foot. Thus, it was not physically impossible for appellants to be at the locus criminis at the time that the rape incident occurred. The trial court was therefore justified in brushing aside their alibi and denials. Corollarily, since their denials were not supported by strong evidence, it is to be regarded as purely self-serving and without merit.^[8] This is all the more true in view of the fact that appellants failed to reasonably impute any ill-motive on the part of the victim to falsely charge them. Appellants categorically admitted they did not know of any reason why MRI would falsely charge them of rape.^[9] Hence, when there is no evidence to show any improper motive on the part of the complainant to testify against the accused or to falsely implicate him in the commission of the crime, the logical conclusion is that the testimony is worthy of full faith and credence.^[10] Jurisprudence is replete with the ruling that no young Filipina would publicly admit that she had been criminally abused and ravished, unless it is the truth, for it is her natural instinct to protect her honor.^[11] Moreover, a young girl would not concoct a tale of defloration, allow the examination of her private parts and undergo the expense, trouble and inconvenience, not to mention the trauma and scandal of a public trial, unless she was, in fact, raped.^[12]

All told, the elements of rape were duly established in this case as to effectively overturn the presumption of innocence of the appellants. Article 266-A of the Revised Penal Code provides:

Article 266-A. Rape; When and How Committed. – Rape Is Committed -

1) By a man who shall have carnal knowledge of a woman under any of the following circumstances:

- a) Through force, threat, or intimidation;
- b) When the offended party is deprived of reason or otherwise unconscious;
- c) By means of fraudulent machination or grave abuse of authority; and
- d) When the offended party is under twelve (12) years of age or is demented, even though none of the circumstances mentioned above be present.

First, carnal knowledge took place between MRI and the appellants. MRI's credible testimony narrated the harrowing sexual encounter between her and the appellants. The medico-legal certificate[13] indicating that there were completely healed and partially healed hymenal lacerations in MRI's vagina buttressed MRI's testimony. Dr. Aileen Colaba testified that sexual experience is one factor that could have produced these lacerations.[14] Therefore, since the victim's testimony was corroborated by the physician's findings of penetration, then there is sufficient foundation to conclude the existence of the essential requisite of carnal knowledge.[15]

Appellants argue that the lacerations found on MRI's vagina were not fresh. Thus, according to them, it negates the fact of rape and redounds to their pleas of innocence. Unfortunately, even the absence of hymenal laceration is not essential to prove rape.[16] Hence, whether the hymenal lacerations were fresh or healed, appellants remain unsuccessful in casting doubt on the truthfulness of MRI's allegation that she was raped by appellants on December 5, 1996.

Second, carnal knowledge was committed by appellants through force and intimidation. MRI testified that she struggled as appellants ravished her but was unsuccessful because her hands and feet were tied.[17] Moreover, at that time, Ricky Arguta was pointing a short bolo or pisao to her body.[18]

Assayed from the foregoing disquisitions, the trial court's conviction of appellants for the crime of Rape was accurate in view of the overwhelming evidence against their innocence. Thus, We find no grave error in the trial court's assailed Decision. However, We deem it proper to modify the award of damages. In keeping with recent case law,[19] it is appropriate to award exemplary damages in addition to the moral damages and civil indemnity previously awarded by the trial court. In order to set a public example, to serve as deterrent to elders who abuse and corrupt the youth and to protect the latter from sexual abuse, an award of Php30,000.00 as exemplary damages is in order.[20]

WHEREFORE, in view of the foregoing, the appeal is DENIED. The July 25, 2008 Decision of the Regional Trial Court, Branch 6, of Tacloban City finding appellants Ricky Arguta and Wilson Cahipe guilty beyond reasonable doubt of Rape in Criminal Case No. 97-02-76 is AFFIRMED with MODIFICATION that:

(1)

Appellants are ordered to pay jointly and severally the amount of Thirty Thousand Pesos (Php30,000.00) as exemplary damages; and

(2)

Appellants are further ordered to pay the private offended party interest on all damages awarded at the legal rate of six percent (6%) per annum from the date of finality of this judgment.

SO ORDERED.

Quijano-Padilla, and Azcarraga-Jacob, JJ., concur.

[1] Penned by Hon. Santos T. Gil, Rollo, pp. 43-52.

[2] The Court shall withhold the real name of the victim-survivor and shall use fictitious initials instead to represent her. Likewise, the personal circumstances of the victims-survivors or any other information tending to establish or compromise their identities, as well as those of their immediate family or household members, shall not be disclosed. (People v. Cabalguinto, GR No. 167693, September 19, 2006, 502 SCRA 419, 425-426, citing Section 40, Rule on Violence Against Women and Their Children; Section 63, Rule XI, Rules and Regulations Implementing Republic Act No. 9262, otherwise known as the "Anti-Violence Against Women and Their Children Act of 2004.")

[3] Rollo, p. 52.

[4] People v. Andrew Pacina, G.R. No. 123150, August 16, 2000.

[5] G.R. No. 122473, June 8, 2000.

[6] People v. Suarez, G.R. Nos. 153573-76, April 15, 2005.

[7] Rollo, pp. 50-51.

[8] People v. Arlee, G.R. No. 113518, January 25, 2000.

[9] TSN, September 3, 2003, pp. 9-10 and July 8, 2004, p. 11

[10] People v. Belga, G.R. No. 129769, January 19, 2001.

[11] People v. Celocelo, G.R. No. 173798, December 15, 2010.

[12] People v. Alberio, G.R. No. 152584, July 6, 2004.

[13] Original Records, p. 12.

[14] TSN, February 2, 1999, pp. 9-10

[15] People v. Vedra, G.R. No. 108615, October 9, 2000.

[16] People v. Bawang, G.R. No. 131942, October 05, 2000.

[17] TSN, January 27, 1999, p. 8.

[18] Ibid, p. 9.

[19] People v. Alejandro Viojela, G.R. No. 177140, October 17, 2012.

[20] People v. Manjarez, G.R. No. 185844, November 23, 2011.

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