

PEOPLE OF THE PHILIPPINES, APPELLEE, VS. RODANIEL VILLAFUERTE, APPELLANT.

G.R. No. 154917. May 18, 2004

Ponente: YNARES-SATIAGO, J.

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YNARES-SATIAGO, J.:

On appeal is the decision of the Regional Trial Court of San Fernando, Pampanga, Branch 45, convicting appellant Rodaniel Villafuerte of the crime of statutory rape, sentencing him to suffer the penalty of reclusion perpetua, and ordering him to pay private complainant civil indemnity ex-delicto of P50,000.00, as well as moral damages of P50,000.00.[1]

Appellant was fifteen years of age in 1998 at the time of the incident while the victim, Cristina “Christine” Joy C. Santos was then six years old.

The facts as established by the prosecution revealed that on February 18, 1998, at or around 4:00 p.m., Christine and her two cousins, Rosemarie and Dessa, were playing the game “Sasara ang Bulaklak” near appellant’s house in San Juan, San Fernando, Pampanga.[2] Appellant joined them.[3]

When the girls finished playing, appellant asked Christine to continue playing with him. It will just be the two of them since Rosemarie and Dessa had already finished playing.[4] Christine asked where they will play and appellant answered, “in the bathroom.”

Appellant led Christine to an old bathroom located at the back of his house. Once inside, he removed her clothes and underwear and undressed himself. He told her not to shout.[5]

While both of them were sitting on the floor facing each other, appellant inserted his penis into Christine’s genitalia.[6] Christine felt pain,[7] causing her to stand up and kick appellant.[8] Christine hurriedly went home and reported what happened to her mother.[9]

That evening, Christine’s mother and one of their neighbors accompanied her to the police station. There, Christine recounted her experience to the investigating officer. After explaining to Christine the contents of her narration in typewritten form, the investigating officer asked her to place her thumb mark on the same document.[10]

On February 19, 1998, Dr. Emerita Cristobal-Danac, a physician specializing in obstetrics and gynecology, conducted a physical examination on Christine. She observed that Christine Joy’s labia majora and labia minora had no laceration and the same were coapted.[11] No sign of external injury outside Christine’s genitalia was evident.[12]

Appellant was charged in an Information dated March 31, 2000 with the crime of rape under Article 266-A of the Revised Penal Code, as amended by Republic Act No. 8353, before the RTC of San Fernando, Pampanga, Branch 45, viz:[13]

That on or about the 18th day of February 1998, in the municipality of San Fernando, province of Pampanga, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused Rodaniel Villafuerte, with lewd design, by means of force and intimidation, did then and there willfully, unlawfully and feloniously have carnal knowledge with Christine Joy C. Santos, six (6) years old, a minor, inserting his male organ into her vagina against her will and without her consent.

Contrary to law.

On arraignment, appellant pleaded “not guilty” to the charge. After the pre-trial conference, trial on the merits ensued. Appellant denied the charge of statutory rape against him. In his defense, he presented a different version of the events of February 18, 1998.

As narrated by Rosemarie “Rose” Villafuerte, the thirteen year old playmate of Christine and a niece of appellant, she was playing “Lutu-lutuan” on February 18, 1998 at or around 4:00 p.m. with Christine and Popoy, a six or seven year old male playmate.[14] She called appellant who passed by and asked him to fix the “bahay-bahayan.”[15] Appellant fixed the “bahay-bahayan” for about half an hour, after which he left.[16] Rose then continued playing with Christine for another half hour.[17] They went home together at 5:00 p.m.[18]

After trial, the court a quo rendered a decision finding appellant guilty as charged of statutory rape, the dispositive portion of which reads:

WHEREFORE, premises considered, judgment is hereby rendered finding accused Rodaniel Villafuerte Guilty beyond reasonable doubt of the crime of Statutory Rape, hereby imposing him a penalty of Reclusion Perpetua.

Accused is likewise ordered to indemnify Christine Joy Santos in the amount of P50,000.00 as well as another P50,000.00 as moral damages.

SO ORDERED.

Hence this appeal, based on the following assignment of errors:

I

THE COURT A QUO GRAVELY ERRED IN GIVING FULL CREDENCE TO THE INCREDIBLE TESTIMONY OF THE PRIVATE COMPLAINANT AND NOT CONSIDERING THE DEFENSE INTERPOSED BY THE ACCUSED.

II

THE COURT A QUO GRAVELY ERRED IN CONVICTING THE ACCUSED OF THE CRIME CHARGED DESPITE THE FAILURE OF THE PROSECUTION TO PROVE HIS GUILT BEYOND REASONABLE DOUBT.

The appeal must fail.

Appellant alleged that the trial court erred in giving full credence to the testimony of private respondent Christine Joy. He points to the incredible, inconsistent and contradicting statements of Christine Joy which showed that the charge against the accused was patently a mere concoction. He argues that Christine Joy gave inconsistent statements in her Sinumpaang Salaysay and in her testimony during the trial on whether he was able to insert his penis in her vagina. Moreover, appellant emphasizes the alleged incredibility of Christine Joy’s description of how the crime was committed.

We are not persuaded. The alleged inconsistencies pointed out by appellant are not the kind which discredits Christine Joy’s testimony. Rather, the discrepancies bolster Christine Joy’s candidness and spontaneity. It must be remembered that Christine Joy executed the Sinumpaang Salaysay when she was just six years old. The

salaysay itself was prepared by someone else and was merely thumb marked by Christine Joy. On the other hand, she testified in court when she was nine years old and she was able to express herself more effectively and clearly. The trial court itself found the testimony of Christine Joy, in its entirety, to be straightforward and characterized by such candor and simplicity as would be expected from an innocent child.

We have held time and again that testimonies of rape victims who are young and immature deserve full credence, considering that no young woman, especially of tender age, would concoct a story of defloration, allow an examination of her private parts, and thereafter pervert herself by being subject to a public trial, if she was not motivated solely by the desire to obtain justice for the wrong committed against her.[19] It is highly improbable for an innocent girl, who is very naïve to the things of this world, to fabricate a charge so humiliating not only to herself but to her family.[20] We agree with the trial court that it is beyond the mindset of a six-year old child to fabricate a malicious accusation against appellant if the crime did not truly transpire.

During the initial phase of Christine Joy's testimony, she broke down on the witness stand when the prosecution started asking questions which directly dealt with the incident, for which reason her testimony was suspended.[21] When the proceedings continued, the court asked Christine what exactly was done to her by the appellant. Christine Joy testified as follows:

PROS. MACABULOS

Q:

Christine Joy, during the last hearing on November 27, 2000 you testified that after the accused removed you clothes and panty, you said "Kinayi na ku pu, Sir." What do you mean by the words "Kinayi na ku pu, Sir."?

x x x x x x x x

A: Iyun pong ano niya pinasok niya sa ano ko po.

Q: What do you mean by "pinasok niya iyong ano niya sa ano ko"?

A: Iyun pong titi niya.

Q: Saan niya pinasok iyong titi niya?

A: Dito ko po.

Q: Anong tawag mo sa sinasabi mong diyan, "dito ko po"?

A: Dito po sa singit ko.

COURT

Q:

Let us make this clear. Iba iyong singit. Alin ba talaga. Saan ba pinasok, sa singit mo lang o sa loob ng ari mo?

A: Doon po sa singit ko.

Q: Singit lang?

A: Sa may butas po.

Q: Sa may butas ng ano?

A: Kung saan po lumalabas ang ihi po.

PROS. MACABULOS

Q:

Sinabi mo na pinasok ni Rodaniel Villafuerte ang kanyang titi doon sa lugar na kung saan lumalabas ang ihi?

A: Opo.

Q:

Ano naman ang naramdaman mo nung pinasok niya ang titi?

A: Sumakit po.

Q:

Christine Joy, paano mo nalaman na pinasok sa nilalabasan ng ihi mo ang titi ni Rodaniel Villafuerte?

A: Naramdaman ko po at nakita ko po.[22]

Christine Joy was able to describe with the simplicity of a child the ordeal that she suffered. Her testimony established appellant's penetration of her female organ which produced such pain which she vividly remembered. That the medical examination conducted on her showed no lacerations or other physical injury on the genitalia does not preclude the possibility that rape was consummated. A felony is consummated when all the elements necessary for its execution and accomplishment are present. Rape under the first paragraph of Article 335 of the Revised Penal Code, as amended by R.A. 7659, is consummated when there is penetration, no matter how slight, of the victim's genitalia under any of the circumstances enumerated therein.[23] In order to sustain a conviction for rape, penetration of the female genital organ by the male is not indispensable.[24] What is fundamental is that the entrance, or at least the introduction, of the male organ into the labia of the pudendum is proved.[25] The prosecution has proven the consummation of the offense through the testimony of Christine Joy. We find the said testimony credible and sufficient to prove that there was penetration of the victim's sexual organ. This fact is enough to convict appellant of the crime of rape.

Appellant, for his part, relied merely on his alibi. For his alibi to be credible and given due weight, he must show that it was physically impossible for him to have been at the scene of the crime at the approximate time of its commission. His defense of alibi is not only self-serving and easily fabricated, but is also the weakest defense he could interpose.[26] We have uniformly held that denial is an intrinsically weak defense which must be buttressed by strong evidence of non-culpability to merit credibility.[27]

Appellant claims that after he fixed the "bahay-bahayan" as requested by Christine Joy and her playmates, he immediately went home to his house which according to him was located about ten meters away from the place where Christine Joy and her playmates were playing.[28] The old toilet where the crime actually happened was, in turn, about four to five meters, by appellant's estimation, from the place where the "bahay-bahayan" was set up.[29] Even the testimony of Rosemarie Villafuerte, appellant's niece and one of Christine Joy's playmates on the day of the incident, does not help appellant's case. During her testimony, Rosemarie stated that in relation to the place where they were playing, appellant's house was nearer compared to Christine Joy's.[30] While it may be true that she and Christine Joy went home together, it is still possible that appellant might have intercepted Christine Joy when the latter was on her way home and lured her into the old toilet where the crime was perpetrated.

Appellant's defense of alibi was an exercise in futility for his failure to substantiate his claim that he was somewhere else at the time of the commission of the crime or that it was physically impossible for him to have committed the crime imputed upon him. More importantly, his defense cannot stand against the positive identification and straightforward testimony of Christine Joy herself.

We affirm the findings of the trial court that Christine Joy was only six years and three months old on the date of the incident, having been born on November 25, 1991. This qualifying circumstance was properly alleged in the Information and was accordingly proved during the proceedings through the Record of Birth of Christine Joy which was issued by the Municipal Civil Registrar of San Fernando, Pampanga.[31] Under the law, the imposable penalty should be death. However, appellant himself was only fifteen years old on the date of the incident, and turned eighteen only on December 3, 2000. Hence, he is rightfully entitled to the special mitigating circumstance of minority which has the effect of lowering the penalty by one degree. Therefore, appellant was correctly sentenced to reclusion perpetua.

Anent appellant's civil liability, Christine Joy is entitled to civil indemnity in the amount of P50,000.00 as ordered by the trial court. The award of moral damages in the amount of P50,000.00 should likewise be affirmed in view of the victim's injury inherently concomitant with and necessarily resulting from the detestable crime of rape.[32]

WHEREFORE, the decision of the Regional Trial Court, Branch 45 of the City of San Fernando, in Criminal Case No. 011 finding appellant guilty beyond reasonable doubt of the crime of rape, sentencing him to reclusion perpetua and ordering him to pay the victim the sum of P50,000.00 as civil indemnity and P50,000.00 as moral damages, is **AFFIRMED** in toto.

Costs de officio.

SO ORDERED.

Panganiban, Carpio and Azcuna, JJ., concur.

Davide, Jr., C.J., (Chairman), on official leave.

* On official leave.

** Working Chairman.

[1] Decision penned by Judge Adelaida Ala-Medina on 11 June 2002.

[2] TSN, Direct Examination of Christine Joy C. Santos, 27 November 2001, pp. 5-6.

[3] Id. at 6.

[4] Id. at 7.

[5] Id. at 8.

[6] TSN, Ocular Inspection of the bathroom in Rodaniel Villafuerte's house at San Juan, San Fernando, Pampanga, 31 August 2001, p. 3.

[7] TSN, Continuation of Direct Examination of Christine Joy C. Santos, 21 March 2001, p. 3.

[8] TSN, *supra* note 6.

[9] TSN, *supra* note 7 at 3-4.

- [10] Id. at 4-6.
- [11] TSN, Direct Examination of Dr. Emerita Cristobal-Danac, 28 May 2001, p. 6.
- [12] Id., Cross-Examination of Dr. Cristobal-Danac, 28 May 2001, p. 8.
- [13] Original Records, p. 2.
- [14] See TSN, Direct Examination and Cross-Examination of Rosemarie Villafuerte, 13 March 2002, pp. 2-6. See also TSN, Re-Direct Examination, 13 March 2002, p. 7.
- [15] Id., Direct Examination of Rosemarie Villafuerte, 13 March 2002, p. 3.
- [16] Id. at 4.
- [17] Id.
- [18] Id.
- [19] People v. Alborida, G.R. No. 136382, 25 June 2001, 359 SCRA 495.
- [20] People v. Palaña, G.R. No. 124053, 20 March 2002, 379 SCRA 553.
- [21] TSN, 27 November 2000, pp. 8-9.
- [22] TSN, 21 March 2001, p. 3.
- [23] People v. Dogaojo, G.R. Nos. 137834-40, 3 December 2001, 371 SCRA 321.
- [24] People v. Sagun, G.R. No. 110554, 19 February 1999, 303 SCRA 382. See also People v. Mahinay, G.R. No. 122485, 1 February 1999, 302 SCRA 455; People v. De la Cuesta, G.R. No. 126134, 2 March 1999, 304 SCRA 83; People v. Tolentino, G.R. No. 130514, 17 June 1999, 308 SCRA 485; People v. Villanueva, G.R. No. 135330, 31 August 2000, 339 SCRA 482; People v. Tagaylo, G.R. Nos. 137108-09, 20 November 2000, 345 SCRA 284; People v. Aca-Ac, G.R. No. 142500, 20 April 2001, 357 SCRA 373; People v. Dayna, G.R. No. 134486, 16 November 2001, 369 SCRA 245.
- [25] People v. Quiñanola, G.R. No. 126148, 5 May 1999, 306 SCRA 710.
- [26] People v. Palaña, *supra*.
- [27] People v. Pantojal, G.R. No. 142870, 14 November 2001, 368 SCRA 674.
- [28] TSN, 17 January 2002, p. 4.
- [29] Id.
- [30] TSN, 13 March 2002, pp. 9-10.
- [31] Exhibit D.
- [32] People v. Alvarado, G.R. No. 145730, 19 March 2002, 379 SCRA 475.

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