PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. RAMON CAÑALES RAYLES, ACCUSED-APPELLANT.

G.R. NO. 169874. July 27, 2007

Ponente: GARCIA, J.

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GARCIA, J.:

Sentenced by the Regional Trial Court (RTC) of Libmanan, Camarines Sur, Branch 57, to a prison term of reclusion perpetua for the crime of Rape as defined and penalized under Article 335 of the Revised Penal Code, as amended by Republic Act No. 8353,[1] accused-appellant Ramon Cañales Rayles had previously been with this Court in G.R. No. 159207. That case, however, was transferred by this Court to the Court of Appeals (CA) for intermediate review pursuant to our decision in People v. Mateo.[2] Thereat, the case was docketed as CA-G.R. CR No. 00202. After the CA affirmed the RTC's judgment of conviction in its decision[3] of April 29, 2005, and following its denial of Rayles' motion for reconsideration in its resolution of August 16, 2005, the case is again with this Court for final review pursuant to the Notice of Appeal filed by Rayles from the aforesaid decision of the CA.

Consistent with our decision in People v. Cabalquinto,[4] the real name of the rape victim in this case is withheld in this Decision. Instead, fictitious initials (AA) are used to represent her. Also, the personal circumstances of the victim or any other information tending to establish or compromise her identity, as well as those of her immediate family or household members, are likewise not disclosed herein.

The Case

On August 28, 2000, in the RTC of Libmanan, Camarines Sur, an Information[5] for Rape was filed against herein accused-appellant Ramon Cañales Rayles. Docketed in the same court as Criminal Case No. L-3273 and raffled to Branch 57 thereof, the Information alleges:

> That on or about 9:00 o'clock in the morning of February 26, 2000 at Barangay Sabang, Del Gallego, Camarines Sur, Philippines and within the jurisdiction of the Honorable Court, the above-named accused with lewd and carnal design, and by means of force, threat and intimidation, did then and there, willfully, unlawfully and feloniously lie and have sexual coitus of one AA who was then fourteen (14) years old against her will and without her consent, to her damage and prejudice in such amount as maybe proven in court.
>
> CONTRARY TO LAW.

On arraignment, accused-appellant, assisted by counsel, entered a plea of "Not Guilty" to the foregoing Information.

On November 29, 2000, or even before trial could commence, a baby girl was born to AA. During trial, AA claimed that the child's father is Ramon Cañales Rayles who sexually abused her on February 26, 2000.

Apart from the documents marked and offered in evidence in the course of the proceedings at the court of origin, the prosecution called to the witness box the person of AA herself and Dra. Catherine Buban, a resident OB-Gyne

at the Bicol Medical Center who conducted a physical examination on AA.

For its part, the defense rested its case with the testimonies of the accused himself; that of Emerenciana Rayles, wife of accused's uncle; and of Sgt. Antonio Nerveza, a brother-in-law of the accused.

The Evidence

The People's version of the incident is well laid out in the Supplemental Memorandum[6] filed by the Office of the Solicitor General (OSG) in behalf of the People, to wit:

> On February 26, 2000, about seven o'clock in the morning, fourteen-year old AA was sent by her mother to buy bread and sugar. AA walked for about half an hour to reach Bebe's store. While walking back home, she had a bad feeling. Upon passing by the house of appellant Ramon Cañales Rayles located at Hacienda Sabang, Del Gallego, Camarines Sur, appellant suddenly grabbed AA and brought her inside his house (TSN, August 27, 2001, pp. 3-6).
>
> Armed with a bolo, appellant undressed AA inside the house. He pushed her down the stairs and spread her thighs. While she was lying down, he opened her vagina. AA felt pain, then appellant went on top of her and succeeded in inserting his penis inside her vagina (TSN, Sept. 10, 2001, pp. 2-5).
>
> When AA went home afterwards, she was unable to report the incident to her parents because appellant threatened to box her if she squealed. AA revealed the rape incident to her parents at the time she began conceiving. About nine months later, AA gave birth to a baby girl (TSN, Sept. 10, 2001, p. 6).
>
> On May 5, 2002, Dr. Catherine Buban, a resident OB-Gyne at the Bicol Medical Center, conducted a physical examination on AA. The examination was focused on the genital area of the victim. The lady doctor inspected AA's vulva and found that there were lacerations (TSN, March 14, 2001, pp. 2-3). It was also discovered that there were old hymenal lacerations on her genitalia at 1,5,6 and 9 o'clock positions which could have been caused by sexual intercourse (ibid., p. 5).

Denial and alibi are accused's main pleas in exculpation. Here is how the trial court summed up the evidence for the defense:

> Defense, for its part, presented Emerenciana Rayles, Sgt. Antonio Nerveza and accused Ramon Rayles.
>
> Emerenciana Rayles is the wife of accused's uncle. She claimed that AA washed clothes for them. AA, her mother XX and sister YY, arrived at their house on February 26, 2000, and washed clothes for them until the afternoon of that day. The three washed clothes near the well (balon) about 100 meters away from their house. After washing clothes the three went home to the hacienda about 1 1/2 kilometers away from their house.
>
> Sgt. Antonio M. Nerveza, Ramon Rayle's brother-in-law declared that on February 26, 2000, at 9:00 a.m. he was constructing a nipa hut inside the camp at 16[th] IB on Sitio Miramar, Tagkawayan, Quezon. Ramon Rayles helped him with the work because the latter is good in carpentry. Actually, they started building the hut on February 25, 2000 and finished with the construction on February 28, 2000. Ramon Rayles slept at the camp that time. In fact both of them slept at the hut until the work was through. Rayles left the camp only on February 28, 2000 at about 4 p.m. Nerveza came to know about this case when he returned home when his child got sick, but he did not execute any affidavit, as he was about to be sent to Mindanao.
>
> Accused, Ramon Rayles claimed that he went to the military camp of 16[th] IB where his brother-in-law Sgt. Anthony Nerveza was assigned on February 25, 2000. It was a Friday. From Hacienda Romualdez, Sabang, Del Gallego, Camarines Sur, where he was residing, he left at more or less six in the morning, and arrived at 9 in the morning at the camp. After he took his breakfast, he immediately started with the construction of the nipa hut until February 28. He went home and reached it at 6 p.m.
>
> A family man with two children, accused claims that AA charged him with Rape due to the inducement of one

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> Rey Agnes who has a grudge on him. He declared that the person who really raped AA is her own brother, ZZ.

In a "Judgment"[7] dated October 15, 2002, the trial court found accused-appellant Ramon Cañales Rayles "guilty" of the crime charged against him and accordingly sentenced him to reclusion perpetua, thus:

> WHEREFORE, in view of the foregoing considerations, the Court finds the accused RAMON CANALES RAYLES, GUILTY of the crime of Rape, pursuant to Article 266-A, Section 1 in relation to Article 266 B, (paragraph 1) of the Revised Penal Code, as amended and he is hereby sentenced to RECLUSION PERPETUA. He is also directed to indemnify the offended party, AA, the amount of P50,000.00, P10,000.00 as moral damages and to pay the costs of this suit. The period of the accused's confinement is considered in the service of his sentence. Consistent with the Court rulings, the Court cannot direct accused to recognize [the child born of AA] considering that he is a married man.
>
> With respect to the manifestation of accused through counsel, that in the event he is convicted he prays that a DNA testing be conducted, the undersigned believes that it is not necessary, the complainant's pregnancy and the consequent birth of a child not being elements of the crime of rape.
>
> The Jail Warden is directed to bring the accused to the New Bilibid Prisons, Muntinlupa City, immediately.
>
> SO ORDERED. (Words in brackets added).

With his motion for reconsideration having been denied by the trial court in its Order[8] of May 27, 2003, accused-appellant directly went on appeal to this Court in G.R. No. 159207. As stated at the threshold hereof, the Court transferred the appeal to the CA for appropriate action and disposition, whereat it was docketed as CA-G.R. CR No. 00202. In a decision[9] dated April 29, 2005, the CA affirmed in toto that of the trial court, to wit:

> WHEREFORE, in the light of the foregoing, the decision subject of this intermediate review is AFFIRMED IN TOTO.
>
> SO ORDERED.

The case is again with us pursuant to the Notice of Appeal filed by Rayles with the CA following the appellate court's denial of his motion for reconsideration.

In its Resolution[10] of June 14, 2006, the Court accepted the appeal and required the parties to file their respective supplemental memoranda, if they so desire. In his manifestation of July 17, 2006, accused-appellant waived the filing of any supplemental brief/memorandum. For its part, the People, through the OSG, filed its supplemental memorandum[11] on September 11, 2006.

We thus take it that in coming to this Court, accused-appellant stands by the same error he raised before the CA, namely:

> THAT THE TRIAL COURT GRAVELY ERRED IN CONVICTING HIM OF THE CRIME CHARGED DESPITE THE FAILURE OF THE PROSECUTION TO PROVE HIS GUILT BEYOND REASONABLE DOUBT.

The Court's Ruling

The appeal lacks merit.

Admittedly, an accused in a criminal case may only be convicted if his or her guilt is established by proof beyond reasonable doubt. But proof beyond reasonable doubt requires only a moral certainty or that degree of proof which produces conviction in an unprejudiced mind; it does not demand absolute certainty and the exclusion of all possibility of error.[12]

Upon a review of the entire records of the case, the Court finds no compelling reason to depart from the findings and conclusions reached by both the trial and the appellate courts.

The Court ordinarily puts great weight on the factual findings of the judge who conducted the trial of the case and heard the testimonies of the witnesses themselves. This is especially true in rape cases where the crime is usually committed in the presence of no other person but the victim and the accused. Compared to appellate magistrates who are merely faced with the cold and inanimate pages of the transcript of records brought before them, the trial judge comes face to face with the rape victim herself on the witness stand. He personally observes her conduct and demeanor while responding to the questions propounded by the prosecutor on direct examination as well as those from the defense counsel on cross examination. Moreover, it is also the trial judge who has the chance to pose clarificatory questions to said victim. Thus, when the trial judge makes his findings as to the issue of her credibility, such findings bear great weight upon the appellate court. Regarding this matter, the trial court said:

> In a clear, candid manner, AA narrated how Ramon Rayles molested her. She declared in detail the events that led to her defilement. Her answers to the questions both on direct and cross examination, were straightforward and spontaneous, punctuated by sobs at the most crucial moments of questioning. Despite the tears, her declarations were steadfast and simple, leaving no doubt that she was telling the truth. AA likewise positively identified the accused as the person who ravished her.

Upon intermediate review, the CA upheld and affirmed the trial court's determination on the matter of AA's credibility. Besides, the Court notes that AA was at the tender age of fourteen when the crime was committed. And just as any rape victim of her age, she would not have so easily concocted a story of defloration, allow an embarrassing examination of her private parts, and undergo public trial, if she was not motivated solely by the desire and determination to have her ravisher punished for his crime. Hence, the Court affirms the unanimous finding of the two courts below, ruling in favor of AA's credibility.

Accused-appellant would have this Court credit him for having insisted that a DNA test be conducted on AA's daughter. He claims that had he raped the victim and fathered her child, he would not have the nerve to challenge the result of a DNA test, as such procedure would definitely reveal whether he is the father or not.

The Court cannot accommodate the accused-appellant.

As the trial court correctly asserted, AA's pregnancy and the subsequent birth of her child are not elements of the crime of rape. Moreover, non-paternity of the appellant, if that be the case, will not necessarily negate the crime of rape as positively proved and established by AA's credible testimony. There may or may not be conception after the commission of the crime of rape because the offense may be consummated even without full penetration or even complete ejaculation on the part of the assailant. We have time and again stressed that among the most important consideration in a rape case is the credible testimony of the victim. We have repeatedly held that when a woman says she had been raped, her declaration alone is all that is necessary to show that she had indeed been raped and her sole testimony is sufficient if it satisfies the exacting standard of credibility needed to convict the accused.[13] Considering that AA's testimony meets the test of credibility, we find no justification not to affirm appellant's conviction and rule an acquittal in the instant appeal, even assuming for the nonce that AA's daughter had a different father other than the accused-appellant.

Lastly, accused-appellant wonders why AA has not related the incident to her mother immediately upon arriving home that same morning of February 26, 2000. Relatedly, the accused-appellant also attempted to capitalize on the fact that the victim's mother failed to notice any sign of any untoward incident that may have happened to her daughter on that fateful day. As the accused-appellant would have this Court believe, AA's pregnancy impelled her to point to him as her assailant.

We do not agree.

Rape is more than a simple act of physical violation. For, it debases a woman's dignity, leaving a stigma on her honor and scarring her psyche for life.[14] The Court notes that AA has barely reached puberty when the crime was committed. She grew up in a remote rural area in Bicol, expectedly ignorant of worldly ways. We have stated, in similar cases, that there is no stereotypical form of reaction from a woman, much more a minor, when faced with a shocking and horrifying experience such as a sexual assault.[15] We, therefore, cannot plausibly judge AA by the norms of behavior expected from mature women. Far from being unnatural and highly suspect, AA's silence about the incident is understandable. Given her tender age, she was easily cowered into silence by any form of threat coming from appellant. That AA chose to keep quiet until discovering the awful fact of her pregnancy arising from the rape incident does not in any way erode her credibility.

Finally, the Court takes note that an appeal in a criminal case throws the whole case wide open for review. And in its review, it behooves the Court to correct such errors as may be found in the judgment appealed from, be they assigned as errors or not.[16] Thus, considering that present jurisprudence fixes the amount of moral damages in rape cases at P50,000.00,[17] the award of P10,000.00 made therefor by the trial court and duly affirmed by the CA should be increased to P50,000.00.

WHEREFORE, with MODIFICATION that the amount of moral damages awarded to AA is increased to P50,000.00, the assailed CA decision is AFFIRMED in all other respects.

SO ORDERED.

Puno, C.J., (Chairperson), Sandoval-Gutierrez, Corona, and Azcuna, JJ., concur.

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[1] Anti-Rape Law of 1997.

[2] G.R. Nos. 147678-87, July 7, 2004, 433 SCRA 640.

[3] Penned by Associate Justice Bienvenido L. Reyes, with Associate Justices Godardo A. Jacinto (now ret.) and Rosalinda Asuncion-Vicente, concurring; rollo, pp. 3-10.

[4] G.R. No. 167693, September 19, 2006, 502 SCRA 419.

[5] RTC records, p. 1.

[6] Rollo, pp. 24-37.

[7] RTC records, pp. 112-119.

[8] RTC records, p. 127.

[9] Supra note 3.

[10] Id. at 14.

[11] Id. at 24-26.

[12] Calimutan v. People of the Philippines, G.R. No. 152133, February 9, 2006, 482 SCRA 44.

[13] People v. Agunos, G.R. No. 130961, October 13, 1999, 316 SCRA 836.

[14] People v. Vargas, G.R. No. 116513, June 26, 1996, 257 SCRA 603.

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[15] People v. Antonio, G.R. No. 157269, June 3, 2004, 430 SCRA 619.

[16] Arradillos v. Court of Appeals, G.R. No. 135619, January 15, 2004, 419 SCRA 514.

[17] People v. Bang-ayan, G.R. No. 172870, September 22, 2006, 502 SCRA 658.

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