

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. SONNY RENTORIA Y VELASCO, ACCUSED-APPELLANT.

G.R. No. 175333. September 21, 2007

Ponente: CHICO-NAZARIO, J.

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CHICO-NAZARIO, J.:

For review is the Decision[1] of the Court of Appeals promulgated on 20 April 2006 in CA-G.R. CR. HC. No. 01415 entitled, "People of the Philippines v. Sonny Rentoria," affirming, with modification, the Judgment[2] dated 18 March 2002 of the Regional Trial Court (RTC), Branch 61, Gumaca, Quezon, in Criminal Case No. 6467-G.

Accused-appellant Sonny Rentoria y Velasco prays for the reversal of the appellate court's decision finding him "guilty beyond reasonable doubt of the crime of Statutory Rape under Articles 266-A and 266-B of (the) Revised Penal Code as amended by R.A. 8353 x x x,"[3] and sentencing him to death and to indemnify the victim in "the sum of P75,000.00 and to pay P50,000.00 as moral damages plus P50,000.00 as exemplary damages to deter others from committing same act." [4]

A thorough review of the records of the case at bar discloses the following facts:

On 25 August 2000, accused-appellant was charged with the crime of statutory rape before the RTC, Branch 61, Gumaca, Quezon, for allegedly raping AAA,[5] in an Information[6] dated 10 May 2000. The accusatory portion thereof states:

That on or about the 26[th] day of September, 1999 at Barangay XXX, Municipality of YYY, Province of ZZZ, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, with lewd design, by means of force and intimidation, did then and there, willfully, unlawfully and feloniously lay with and have carnal knowledge of the offended party, AAA, a minor, three (3) years of age, against her will.

The case was docketed as Criminal Case No. 6467-G.

Upon arraignment, accused-appellant, duly assisted by counsel, pleaded "Not Guilty" to the crime charged. Thus, trial ensued, with the prosecution presenting four witnesses, namely: BBB, the private complainant and the mother of the victim[7]; CCC, the sister of the victim[8]; AAA, the victim[9]; and Dr. Virgilio T. Misleng (Dr. Misleng), Medical Officer III, WWW Island District Hospital, WWW, (Province of) ZZZ,[10] to establish accused-appellant's culpability beyond reasonable doubt of the crime charged.

BBB, the mother of the victim and the private complainant, testified that AAA was born on 8 March 1996; that on 16 September 1999, at around 2 o'clock in the afternoon, she was washing clothes inside her house; her children, AAA, CCC, DDD, and EEE, were all outside playing, but she could see them from where she was; that around the same time she saw accused-appellant having a drink with her neighbor at the latter's house which was about fifteen arms length away from her house; and that at around 3 o'clock of the same day, while she was hanging the clothes that she had recently washed on the clothes line, she did not see her children anymore but that she could

still hear them playing. At 4 o'clock in the afternoon, she heard her daughter CCC shouting, "Mama, mama, dinala po si AAA sa sukalan"; it was at that time that BBB saw her daughter AAA with no undergarments and with scratches on her face and arms, and her vagina all bloody.

CCC, the older sister of the victim, was the second witness for the prosecution. She was seven years old at the time the incident in question occurred and she was already 10 years old when she narrated what she saw. CCC's testimony was given inside the chambers of the trial court judge at the request of the prosecution due to the witness' delayed mental development. CCC narrated that she saw accused-appellant bring AAA to the "sukalan" and place himself on top of AAA. More particularly her testimony contained the following information -

ATTY. GUERRERO: (DIRECT EXAMINATION)

Q Is AAA your sister?

A Yes, sir.

x x x x

Q Tanda mo iyan? Sino `yan?

INTERPRETER:

Counsel pointed to a person inside the chamber.

WITNESS:

A Sonny.

ATTY. GUERRERO:

Q Kilala mo iyan ano?

A Oo.

Q Taga-saan si Sonny?

A Sa bahay nila.

PROSECUTOR MATA:

Q Saan ang bahay nila?

A Ewan ko. Hindi ko alam.

Q Pero nakikita mo siya noon?

ATTY. GUERRERO:

Q Nakikita mo siya noon? Tanda mo noon? Your Honor, it would be very difficult to take the stenographic notes. May we ask that the proceeding be recorded, the testimony of the witness.

INTERPRETER:

On record already.

ATTY. GUERRERO:

Q Nakita mo na si Sonny noon ano?

A Oo.

Q Saan mo nakita?

A Sa sukalan.

Q Saan yong sukalan? Malapit sa bahay ninyo?

A Malayo.

Q Sinong kasama niya sa sukalan?

A Si AAA.

Q Sino si AAA? Si AAA ba ay kapatid mo?

A Oo.

Q Anong ginagawa ni AAA noong dinala sa sukalan? Umiiyak ba si AAA?

A Mama.

Q Sumisigaw ng Mama?

A Mama.[11]

CCC, continuing her testimony, under the same oath:

ATTY. GUERRERO:

Your Honor, we are ready to present witness CCC for clarificatory questions from the Court, after which, we will present the victim, AAA.

COURT:

The Court hereby notes and acknowledges the manifestation of Asst. Provincial Prosecutor Elizabeth M. San Juan-Mata giving authority to the private prosecutor.

Q You remember what you said? You said you saw AAA at the sukalan. How were you able to see AAA at the sukalan?

INTERPRETER:

The witness made a sign by shaking her head left and right.

COURT:

Q Where were you when you saw AAA?

A I was playing, Your Honor.

Q How far were you from AAA when you saw her? Malayo?

A Only near, Your Honor.

Q Gaano kalapit?

A There, Your Honor.

INTERPRETER:

Witness indicated a distance from the place where she is sitting up to the window which distance, upon stipulation between the parties, is estimated to be three (3) meters.

COURT:

Q When you saw AAA, was it nighttime or daytime?

A Morning, Your Honor, umaga.

CCC, under the same oath, continuation of her direct examination, testified as follows:

ATTY. GUERRERO:

For the record, Your Honor, the witness nodded when called the name CCC.

COURT:

Proceed.

ATTY. GUERRERO: (CONTINUATION OF DIRECT EXAMINATION)

Q: Di ba kapatid mo is AAA?

A: Yes, sir.

Q: Do you remember said last hearing that AAA is your sister?

A: Yes, sir.

Q: And then you said that you saw AAA, that Sonny brought AAA to the "Sukalan", shrubby place?

A: Yes, sir.

INTERPRETER:

The witness answer just nodding her head.

ATTY. GUERRERO:

Q: When AAA was brought by Sonny to the "sukulan" did you see that Sonny placed himself on top of AAA?

A: Yes, sir.

INTERPRETER:

Witness nodded her head.

ATTY. GUERRERO:

Q: When Sonny placed himself on top of AAA, he was not wearing his pant?

A: Yes, sir.

INTERPRETER:

Witness nodded.

ATTY. GUERRERO:

Your Honor, for the record, when asked the witness the question, she answered by making a groan.

Q: And then you said you call your mother?

INTERPRETER:

The witness answered by nodding.

ATTY. GUERRERO:

Q: Do you know what is "pipi"?

INTERPRETER:

She shake her head left and right and it means, No, sir.

ATTY. GUERRERO:

Q: When Sonny placed himself on top of AAA, AAA was crying?

INTERPRETER:

The witness nodded.

ATTY. GUERRERO:

Q: And did you see Sonny did to AAA?

A: Yes, sir.

Q: Did you see him moving up and down?

INTERPRETER:

The answer of the witness is also by nodding.

ATTY. GUERRERO:

Q: Did you see AAA where brought?

A: Yes, sir.

INTERPRETER:

The witness answer by nodding.

ATTY. GUERRERO:

Q: Where? In what part AAA was brought?

INTERPRETER:

The answer of the witness, by pointing the place where the Judge is.

ATTY. GUERRERO:

Q: Did you report the matter to your father or mother?

A: To my Papa.

Q: Was that in the morning?

A: In the morning?

Q: Did you report that matter to your father?

INTERPRETER:

The witness nodded.

ATTY. GUERRERO:

I have no further question.

COURT:

Cross?

ATTY. HASIM:

With the kind permission of the Honorable Court.

COURT:

Proceed.

ATTY. HASIM: (CROSS EXAMINATION)

Q: How long have you known this Sonny Rentoria?

A: Already lately, sir.

Q: Where did you come to know Sonny?

A: He used to go to our house, sir.

Q: When Sonny brought AAA, are you with them?

A: No, sir.

Q: Where were you then? Were you in the house?

A: Yes, sir.

INTERPRETER:

The witness nodded her head.

ATTY. HASIM:

Q: Where did you see AAA when brought?

A: At the "sukalan", shrubby place.

Q: Was it far from your house?

A: Yes, sir.

INTERPRETER:

By nodding.

ATTY. HASIM:

Q: Were you far from the two (2)?

A: Near, sir.

Q: What did you do when you saw the she was brought by Sonny?

A: None, sir. I got sleep.

ATTY. HASIM:

I think that will be all with the witness.

PROSECUTOR MATA:

Q: CCC, when AAA was at the "sukulan", where were you then?

A: I was sleeping.

Q: How did you see AAA?

A: Yes, Mam.

INTERPRETATION:

Witness nodded.

PROSECUTOR MATA:

Q: Were you sleeping then?

A: I was awake, Mam.

Q: Where were you when you said you were awake?

A: No, Mam.

COURT:

Q: Where did you see AAA when she was brought?

A: At the shrubby place, Your Honor.

Q: You said you were sleeping, how did you see AAA was brought?

A: (No answer.)

The prosecution presented, as its third witness, Dr. Mislang, Medical Officer III, WWW Island District Hospital, WWW, Province of ZZZ. Dr. Mislang testified that on 26 September 1999, AAA was brought to the Alabat Island District Hospital where she was examined by the witness. To fully appreciate the degree of injury sustained by AAA, the testimony of Dr. Mislang is heretofore quoted, viz -

ATTY. GUERRERO:

Q The pertinent physical examination is?

A Pertinent physical examination is positive second degree, vaginal and perineal laceration located at 6:00 o'clock position.

Q Could you please explain what is positive second degree, vaginal and perineal laceration?

A When we locate laceration in the vagina, Your Honor, inaano po naming sa parang sa relo, Your Honor. When you say as 6 o'clock position most probably, for example this is 12 o'clock; 3 o'clock; 9 o'clock and a 6 o'clock, here, when we say 6 o'clock position it is most probably located here, sir.

INTERPRETER:

Witness demonstrated the 6 o'clock position.

ATTY. GUERRERO:

Q What do you mean by vaginal perineal laceration?

A The laceration Your Honor, extends not only in the vagina but also the perineum, sir.

Q What is perineum?

A The laceration is located between the vagina and the anus.

Q You are saying that the laceration suffered by AAA was incurred not only in the vagina but extended between the vagina and the anus?

A Yes, sir.

Q And what is the significance of this PPE that you mentioned?

A The significance Your Honor, is that we are indicating the degree that the vagina has penetrated by a certain object, Your Honor.

Q Could you please tell the Court what likely is this object penetrating the vagina of the victim?

A A solid object penetrating the vagina as claimed by the relatives, most probably it is the penis, sir.

Q As a consequence of this incident Doctor, the victim was confined?

A Yes, sir.

Q When the victim was first brought to Alabat Island District Hospital, could you please narrate what was the condition, the emotional and mental condition of the child at the time you first saw her?

A As I remember, she was so afraid and frightened.

Q What about her vagina Doctor?

A The vagina was full of blood and oozing with blood, sir.

Q What was done to stop the bleeding?

A I did a suturing of the vagina, sir. Before I sutured, I isolated the parents so that I can calm the patient before I sutured her, sir.

Q You administered sedation to AAA?

A Yes, sir.

Q The reason was?

A Because she was frightened, sir.

Q She was crying?

A Yes, sir.

Q Was she shouting?

A Not necessarily shouting, but she was afraid, sir, to the people going near her.

Q Who was with her who brought her?

A I think the mother or a lady, sir. I don't know if the mother but a lady was a companion.

Q When you saw her?

A Yes, sir.

Q Why do you have to confine the victim Doctor?

A Because first of all Your Honor, the condition of the patient is frightened, second, because of the bleeding of the laceration which has to be observed and because of the medication.

Q Doctor, the laceration that was suffered by the victim, could you please tell the Court if this is severe and that a medical attention is not timely administered, something will happen to the victim?

A Yes, sir.

Q And what could have happened to this patient?

A The patient might die because of the kind of laceration. She could die of infection, hemorrhage or bleeding.

ATTY. GUERRERO:

THANK YOU, Doctor. At this point Your Honor, may we ask that the medico legal certificate be marked as Exhibit A and the signature of Dr. Virgilio T. Mislang be bracketed and marked as Exhibit A-1.

COURT:

Let it be marked. (MARKED)

ATTY. GUERRERO:

That is all, Your Honor.

COURT:

Any cross?

ATTY. HASIM:

Cross examination, Your Honor.

COURT:

Proceed.

ATTY. HASIM: (CROSS EXAMINATION)

Q Doctor, when you went to the place where this AAA was in order to treat her on September 26, 1999, was she already there in the hospital?

A Yes, sir.

Q You did not ask for how long the patient was there?

A Of course I asked the relatives, sir.

Q And they told you for how many minutes the patient was waiting for the doctor?

A They stated the time. It was probably happened the approximate time.

Q The incident happened?

A Yes, sir.

Q How about the victim?

A I did not ask her, sir.

Q You did not ask the accompanying persons?

A I did not but I have it recorded in the hospital.

Q We will not asking that. From whom did you come to know that the victim sustained that injury because she was raped?

A From the relatives, sir.

Q You did not take her name?

A I have taken her name, sir. It is in the hospital record.

Q Did you try to ask from what place the victim come from?

A I try, sir.

Q Where?

A As stated Your Honor, from XXX.

Q What do you mean to say second degree perineal laceration?

A It was a second degree laceration in the vagina, sir.

Q When you said it is located at 6 o'clock, it is located perpendicular down?

A Yes, sir.

Q Now, what may be the probable cause of this laceration?

A Penetration of something solid object was inserted in the vagina, sir.

Q Could it be possible an empty bottle inserted in the vaginal canal that will cause the laceration?

A I cannot said, Your Honor, but it was a solid object, sir.

Q When you said it is a solid, any kind of solid object will cause this kind of injury?

A Yes, sir.[12]

AAA, the victim, was the last witness presented by the prosecution. At the time that she took the witness stand, she was already five years old. She stated that:

ATTY. GUERRERO: DIRECT EXAMINATION

Thank you very much, Your Honor. May I also be allowed to ask leading questions to the witness, Your Honor?

COURT:

Considering the mentality and age of the witness, your request is granted.

ATTY. GUERRERO:

Q AAA, kilala mo si Sonny?

A Opo.

Q Sinaktan ka ba ni Sonny?

INTERPRETER:

Witness nodded her head.

ATTY. GUERRERO:

Q Saan ka sinaktan ni Sonny?

INTERPRETER:

Witness pointed on the portion of her vagina.

ATTY. GUERRERO:

I have no further questions, Your Honor. Your Honor, May I ask that the accused be brought inside the chamber for identification by the witness.

COURT:

Call the accused. (Accused Sonny Rentoria was escorted by SPO2 Danilo Saavedra).

ATTY. GUERRERO:

May I be allowed to ask another question, Your Honor?

Q Yong pipi na sinaktan ika mo ni Sonny, dumugo ba?

INTERPRETER:

The witness nodded.

ATTY. GUERRERO:

For the record, Your Honor, the witness does not want to look at the person who just entered the room.

INTERPRETER:

The accused in this case.

ATTY. GUERRERO: To witness -

Ituro mo. The witness does not like, Your Honor. Your Honor, for the record, when Counsel pointed to the accused, the witness cried, Your Honor.

COURT: To witness -

Q Nene, kilala mo si Sonny?

ATTY. GUERRERO:

The witness, Your Honor, does not even want to look at the accused. The witness is closing her eyes and does not want to look at the accused, turning away her head from the accused.

Q Yan ba si Sonny - yang nasa likod mo?

A (No answer)

ATTY. GUERRERO:

I think, Your Honor, that is because of fear on the part of the witness to the accused. With this, Your Honor, I have no further questions.

COURT;

Cross?

ATTY. HASIM: CROSS EXAMINATION

Few cross, Your Honor. May we let the accused go out of this chamber? (Accused allowed to go out of the chamber).

Q Bakit ayaw mong ituro si Sonny?

ATTY. HASIM:

The witness did not give any answer, Your Honor.

Q. Ikaw ba ay takot kay Sonny?

A The witness nodded.

Q Bakit ka takot kay Sonny?

No answer.

ATTY. HASIM:

That will be all, Your Honor.[13]

When the time came for the defense to controvert the evidence of the prosecution, only accused-appellant testified, offering denial and alibi as his defense.[14] On direct examination, accused-appellant stated that he lives at Barangay Villa Francia, YYY, ZZZ; that he has been a resident of said barangay for twenty-three (23) years already; that prior to the date of the incident in question, he did not know where Barangay XXX, YYY, ZZZ was and how far the latter is from Barangay Villa Francia; that he does not remember exactly where he was on the date and time of the incident in question, for he did a lot of errands that day; that prior to the date of the incident in question, he did not know the victim or her mother. On cross-examination, accused-appellant reiterated that he did not know where Barangay XXX is and that he had never been to said place; that he was the only Sonny Rentoria in Barangay Villa Francia. When the court propounded clarificatory questions, contrary to his earlier statement on direct examination, accused-appellant claimed that it had only been three years since he started staying at Barangay Villa Francia; and that he is not familiar with the names of the other barangays in the area.

After trial, in a judgment promulgated on 18 March 2002, the RTC found accused-appellant guilty of statutory rape. The dispositive portion of the trial court's judgment states:

WHEREFORE, in view of all the foregoing, the Court finds the accused SONNY RENTORIA guilty beyond reasonable doubt of the crime of Statutory Rape under Articles 266-A and 266-B of the Revised Penal Code as amended by R.A. 8353 and is hereby sentenced to DEATH. He is further sentenced to indemnify the victim AAA the sum of P75,000.00 and to pay P50,000.00 as moral damages plus P50,000.00 as exemplary damages to deter others from committing same act.[15]

In holding accused-appellant accountable for said crime, the RTC gave credence to the testimonies of the prosecution witnesses and held that -

Even the conscience of the Court was shaken at the sight of the 5 year old victim AAA, 3 years old at the time she was raped, who when asked to identify the accused Sonny Rentoria did not want to look at the latter instead she closed her eyes and when counsel pointed to the accused, she cried. She seemed to be so afraid of the accused.

x x x x

The testimony of AAA albeit short of verbal ambience but complimented by her body gesture established beyond cavil that she was indeed raped by the accused.

On this score, the Supreme Court has spoken in the case of *People vs. Victor*, 292 SCRA 187, "The revelation of an innocent child whose chastity was abused deserves full credit." It is a reputable precept that the testimonies of rape victims who are young or of tender age are credible. Courts usually lends (sic) credence to the testimony of a young girl especially where the facts points to her having been a victim of sexual assault.

x x x x

Considering the age of the complainant-victim who was three years old when the crime was committed, it would be improbable for a girl of her age to fabricate a charge so humiliating (sic) to herself and family had she not been truly subjected to the painful experience of sexual abuse.

If the victim herself AAA failed to point in blank (sic) the accused in Court for she cowered in fear at the sight of the accused. AAA's failure to point in blank (sic) to accused to identify him categorically in open court was supplanted by her sister CCC who positively identified the accused as the rapist of her sister AAA.

x x x x

The testimony of BBB, the mother of AAA, corroborates the testimony of her daughter CCC x x x.

x x x x

The cause (sic) of the prosecution in establishing the guilt of the accused was strengthened and buttressed by the testimony and medical findings of Dr. Virgilio T. Misleng establishing beyond cavil that there was penetration of solid object on (sic) the vagina of the victim AAA most probably a penis x x x.[16]

And in the end concluded that -

[T]he evidence adduced by the prosecution is overwhelming against the sham and pretended innocence of the accused and has established with moral certainty the guilt of the accused of the offense of statutory rape charged against him.

[T]here is not an iota of doubt in the mind of the Court that accused is guilty of statutory rape. Indeed, prosecution succeeded in overcoming the presumption of innocence of the accused guaranteed by the constitution.[17]

In view of the death penalty imposed by the trial court, the case was automatically elevated to this Court for review. Conformably with *People v. Mateo*, [18] however, in a Resolution dated 21 September 2004, [19] we directed the transfer of this case to the Court of Appeals for intermediate review.

With modification, the Court of Appeals affirmed accused-appellant's conviction in a Decision dated 20 April 2006 in CA-G.R. CR. HC. No. 01415. The appellate court increased the award for moral damages to P75,000.00, albeit decreased the amount of exemplary damages to P25,000.00. The fallo of the Court of Appeals decision

reads -

WHEREFORE, the Decision of the Regional Trial Court of Gumaca, Quezon (Branch 61), dated June 25, 2002, in Criminal Case No. 6467-G finding appellant Sonny Rentoria guilty beyond reasonable doubt of qualified rape and imposing upon him the death penalty is AFFIRMED, with the MODIFICATION that the award of moral damages is increased to Seventy-Five Thousand Pesos (P75,000.00) and the exemplary damages is reduced to Twenty-Five Thousand Pesos (P25,000.00). The decision is further AFFIRMED insofar as it awarded civil indemnity in the amount of Seventy-Five Thousand Pesos (P75,000.00). Costs de oficio.

In accordance with Section 25 of Republic Act No. 7659, amending Article 83 of the Revised Penal Code, in case of finality of this decision, let the records of this case be forthwith forwarded to the Office of the President for possible exercise of the pardoning power.[20]

The present case is again before us for our final disposition.

Accused-appellant is still seeking the reversal of the decision of the RTC, as affirmed by the Court of Appeals, finding him guilty beyond reasonable doubt of the crime of statutory rape on the lone assignment of error stating that -

THE TRIAL COURT ERRED IN CONVICTING THE ACCUSED-APPELLANT OF THE CRIME OF RAPE WHEN HIS GUILT WAS NOT PROVEN BEYOND REASONABLE DOUBT.[21]

Essentially, it is accused-appellant's contention that the evidence presented by the prosecution was not sufficient to establish his guilt beyond reasonable doubt as the perpetrator of the crime charged. In his Brief, he avers that "the testimonies of the prosecution witnesses shows (sic) that the only direct evidence that would link the accused-appellant to the crime charged is the testimony of CCC." [22] He points to an alleged discrepancy or contradiction, however, to impeach CCC's testimony as flawed so as not to carry weight sufficient to sustain his conviction. He claims as a material inconsistency the testimony of CCC on cross-examination wherein she claimed to be either sleeping or playing when the alleged crime was being committed. Particularly, he argues that -

Although the latter stated that she saw the accused-appellant take AAA to the "sukalan" and that the accused-appellant performed some acts tantamount to sexual intercourse with the victim, she contradicted herself on cross-examination when she declared that she was either sleeping or playing when the alleged crime was being committed.[23]

Accused-appellant, thus, maintains that the significant discrepancies in the sole direct evidence showing him to be the perpetrator of the crime charged is tantamount to reasonable doubt respecting his legal culpability thereto. And there being reasonable doubt, his constitutionally guaranteed right to be presumed innocent was not overcome.

The Office of the Solicitor General (OSG), for the People of the Philippines, on the other hand, asserts that the alleged conflicting points in the testimony of CCC are but trivial in nature and do not depart from the fact that accused-appellant was the author of the crime charged. In fact -

CCC testified that she was able to remember and even repeatedly identified Sonny Rentoria as the man she saw in the sukalan. She related that the appellant, who was not wearing any pants, placed himself on top of AAA, removed AAA's panty, and moved up and down on her sister (AAA) who was crying during this sequence of events.[24]

Moreover, that CCC has a late mental development affects neither the veracity of her testimony, nor her credibility as a witness. The OSG further emphasizes that the RTC judge had the occasion to observe the

demeanor of said witness and was satisfied that CCC was qualified and credible to give a testimony in furtherance of the prosecution's cause. It contends further that -

In this case, Sonny Rentoria did not object to the presentation of CCC as witness for the prosecution despite the information given in the chamber hearings regarding the child's late mental development. Calibration of this witness' credibility is best left to the discretion of the trial judge, who was able to observe her demeanor while testifying [citation omitted]. Absent any showing that the trial judge abused his discretion, his findings that CCC is a qualified and credible witness should not be disturbed [citation omitted].[25]

Considering the preceding arguments and counter-arguments, the threshold issue in this case, therefore, is whether or not the prosecution was able to prove the guilt of accused-appellant beyond reasonable doubt on the basis of the testimonies of the prosecution witnesses.

We find no merit in the petition.

Before we go any further in discussing the merits of the present case, a point of clarification is in order as to the nomenclature of the crime committed and charged. The RTC in this case found accused-appellant guilty of the crime of Statutory Rape defined and punished under Article 266-A in relation to Article 266-B. We find, however, that the crime committed is Qualified Rape, as the Court of Appeals correctly found.

Article 266-A of the Revised Penal Code defines and punishes the crime of rape, viz -

Art. 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 is otherwise unconscious;

c) By means of fraudulent machination or grave abuse of authority;

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;

From the above provisions of the law, there is rape when an accused has sexual intercourse with a victim "under twelve years of age" even if any of the circumstances enumerated under paragraph (1) is absent. This is called Statutory Rape.[26] And under the terms of Article 266-B of the same law, to wit -

Art. 266-B. Penalties. - Rape under paragraph 1 of the next preceding article shall be punished by reclusion perpetua.

statutory rape is punishable by reclusion perpetua. But the same article of the law also provides the imposition of a higher penalty, i.e., death.[27] It reads further:

The death penalty shall also be imposed if the crime of rape is committed with any of the following aggravating/qualifying circumstances:

x x x x

5) When the victim is a child below seven (7) years old.

Hence, from the foregoing, the death penalty shall be imposed in the crime of rape if any of the qualifying circumstances mentioned in Article 266-B is present in the commission of the crime. Qualifying circumstances are aggravating circumstances, which, by express provision of law, change the nature of the crime to a higher category.[28]

In the case at bar, there is no question that the Information alleged the crime of rape to have been committed upon the person of the victim under the age of twelve (12) years. Nonetheless, the same charge sheet explicitly declares the exact age of the AAA as three years old at the time of the commission of the crime of rape. Since Article 266-B, paragraph 6(5) makes the rape of a child below the age of seven years as qualified, the correct classification of the rape committed by accused-appellant on the person of AAA, a three year old child at the time, is that of Qualified Rape and not Statutory Rape. Simply stated, under the circumstances obtaining in this case, Qualified Rape is Statutory Rape in its qualified form.[29]

With the effectivity, however, of Republic Act No. 9346 entitled, "An Act Prohibiting the Imposition of Death Penalty in the Philippines," the imposition of the supreme penalty of death has been prohibited. Pursuant to Section 2 thereof, the penalty to be meted to appellant shall be reclusion perpetua without eligibility for parole.

Now, coming to the merits of the case at bar, having weighed the evidence for the contending parties, we find no cogent reason to reverse the findings and conclusion of the RTC as affirmed by the Court of Appeals. The testimonies of AAA, BBB and CCC, as supported by that of Dr. Misleng as well as the latter's Medical Examination Report, are, in our view, more than credible and sufficient to convict accused-appellant of the crime of qualified rape.

From the quoted provisions of Articles 266-A and 266-B of the Revised Penal Code, for conviction to be had in the crime of rape, the following elements must be proved beyond reasonable doubt: 1) that the accused had carnal knowledge of the victim; and 2) that said act was accomplished (a) through the use of force or intimidation; or (b) when the victim is deprived of reason or otherwise unconscious; or (c) when the victim is twelve years of age, or is demented. Settled is the rule that the foregoing elements may be established by the sole testimony of the victim, provided it is credible, natural, convincing, and consistent with human nature and the normal course of things.[30]

The Constitution demands that every accused be presumed innocent until the charge is proved. Before an accused can be convicted of any criminal act, his guilt must first be proved beyond reasonable doubt.[31] In this jurisdiction, 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;[32] it is that engendered by an investigation of the whole proof and an inability, after such investigation, to let the mind rest easy upon the certainty of guilt.[33] Basic is the principle in criminal law, that, the evidence presented must be sufficient to prove the *corpus delicti* - the body or substance of the crime and, in its primary sense, refers to the fact that a crime has been actually committed.[34] The *corpus delicti* is a compound fact composed of two things: 1) the existence of a certain act or result forming the basis of the criminal charge, and 2) the existence of a criminal agency as the cause of this act or result.[35] In all criminal prosecutions, the burden is on the prosecution to prove the body or substance of the crime. In the case at bar, was the prosecution able to prove the two components of the *corpus delicti*?

The answer is yes. The evidence presented by the prosecution - the testimony of the AAA that the accused-appellant hurt her in her vagina; the testimony of CCC that she saw accused-appellant with his pants around his knees lie on top of her sister, remove her undergarment and make up and down motions; the testimony of BBB that her daughter AAA was three years old[36] at the time of the incident in question, and that she saw her daughter with the latter's vagina all bloodied; and the testimony of Dr. Misleng narrating the medical examination conducted on AAA, and the result of such examination attesting to injuries sustained by AAA are consistent with the penetration of the vagina by a hard object - are fully satisfactory to buttress the existence of the crime of qualified rape.

Faced with the clear and positive identification of accused-appellant as the perpetrator of the crime of qualified

rape, his defense of denial or alibi is unavailing and worthless. Alibi is an inherently a weak defense,[37] and it is not at all persuasive in the instant case when pitted against the positive and convincing identification by the victim,[38] more so, when corroborated by an eyewitness. For one thing, accused-appellant did not present any witness to corroborate his claim. For another, he has not shown the impossibility of his committing the bestial deed although he was allegedly in another barrio at the time, given the distance of the place from the scene of the crime. No less importantly, the trial judge was equally unimpressed by his manner on the witness stand, which suggested nothing of his innocence. Well-settled is the legal principle that a categorical and positive identification of an accused, without any showing of ill-motive on the part of the eyewitness testifying on the matter, prevails over alibi and denial.[39] In other words, the defenses of denial and alibi deserve scant consideration when the prosecution has strong and convincing evidence identifying accused-appellant as the perpetrator.

In the case at bar, we are satisfied that AAA, the victim, and CCC, the eyewitness, have positively identified accused-appellant as the malefactor. We do not believe, given the naiveté and limited intelligence of AAA and CCC, due to their tender years and mental deficiency, respectively; that they could have fabricated their charges and testimonies against accused-appellant, weaving or inventing a tale purely out of mere imagination. Neither do we think, yet again considering the mental competence of AAA and CCC, that their testimonies were anything but spontaneous and brought forth only from what the former, the victim, actually endured from accused-appellant and what the latter, the eyewitness, actually saw. Their mental faculties are just not capable of such feat.

The RTC and the Court of Appeals both found no issue detracting from the credibility and integrity of such testimonies. Lest it be forgotten, appellate courts have consistently deferred to the findings and conclusions made by a trial judge principally because it is the latter who gets the opportunity to directly and intimately observe the witnesses and to determine, by their demeanor on the witness stand, the probative strength or weakness of that which they declare.[40] More so in the case at bar, wherein the examination of CCC was done in the private confines of the chambers of the trial court judge due to the child's delayed mental status. The intimate setting enabled the trial court judge to observe more carefully the probative strength and weakness of what the eyewitness had declared.

With the foregoing discussion alone, we are satisfied with the perpetration of the crime of qualified rape as well as its authorship by accused-appellant. Like the trial court and appellate court, this Court finds no reason to be suspicious of the testimonies of AAA and CCC. Both testimonies were more than candid and definitive enough to sustain accused-appellant's conviction. The genuineness of CCC's testimony cannot be overemphasized enough. The sincerity of AAA's acknowledgment of her harrowing experience at the hands of accused-appellant was shown even more when she cried at the witness stand and covered her eyes when asked to point to him, in obvious distress and torment at finding herself once again in the presence of accused-appellant.

Accused-appellant's other asseveration, that is, the supposed impeachment of the testimony of CCC due to inconsistencies, is tenuous at best. The supposed inconsistencies are more apparent than real and refer, at most, only to insignificant or trivial details. The foregoing bear no materiality to the commission of the crime of qualified rape with which accused-appellant has been charged and of which he has been convicted. As pointed out by the OSG, the seeming inconsistencies were but minor lapses brought about by the late mental development of the witness.

While it is true that there were some inconsistencies in her narration of her sister's ordeal, to our mind, such detract from neither its basic truthfulness nor its reliability. The minor lapses are to be expected from a person as young as she, and younger still in mental age. To recount, CCC's statements that she saw accused-appellant not wearing any pants; placing himself on top of AAA, while at the same time removing the latter's undergarment; and then making up and down motions, are the only declarations necessary or important anent the existence of the

crime charged. That she fell asleep later is of no moment.

We agree further with the OSG that it is too late in the day for accused-appellant to demur to the competence of CCC as a witness. Objections thereto respecting its admissibility should have been made at the time said evidence was formally offered in court; otherwise, any evidence coming from her would be admitted.

We cannot end this ponencia without conveying our sentiment concerning this nauseating crime. It is a sad commentary on our times that rape has become so commonplace.[41] But even by the modern standards of morality, it is bad enough that a man imposes his lust on a woman mature in years and emotion. It is particularly bestial and repulsive, however, if as in the case at bar, the victim is a toddler, barely out of infancy and only just beginning her formative years. The brutality and the ugliness of the deviant behavior and the unmitigating menace of the evil visited upon AAA, a very young person, by a man whose age alone - 30 years her senior - should have dissuaded him from giving free rein to the animal in him. Defilers of women are an especially despicable ilk of evil men, and more so those who would inflict their lasciviousness upon innocent and defenseless children.[42] Whatever punishment is imposed on them can never expiate their loathsome offense, for which forgiveness itself, from a mortal court at least, would be a sin.[43] Pity the helpless and innocent victim, the bewildered and violated child.[44]

WHEREFORE, in light of the foregoing, the Decision of the Court of Appeals dated 20 April 2006 is AFFIRMED. Accused-appellant Sonny Rentoria y Velasco is hereby found GUILTY of the crime of QUALIFIED RAPE and is hereby sentenced to suffer the penalty of Reclusion Perpetua with no possibility of parole. Accused-appellant is further ORDERED to indemnify AAA in the following amounts: 1) seventy-five thousand pesos (P75,000.00) as civil indemnity; 2) seventy-five thousand pesos (P75,000.00) as moral damages; and 3) twenty-five thousand pesos (P25,000.00) as exemplary damages. Costs de oficio.

SO ORDERED.

Puno, C.J., Quisumbing, Ynares-Santiago, Sandoval-Gutierrez, Carpio, Austria-Martinez, Corona, Carpio Morales, Azcuna, Tinga, Garcia, Velasco, Jr., and Nachura, JJ., concur.
Reyes, J., no part.

[1] Penned by Court of Appeals Associate Justice Aurora Santiago-Lagman with Associate Justices Ruben T. Reyes (now an Associate Justice of this Court) and Rebecca De Guia-Salvador, concurring; rollo, pp. 3-22.

[2] Penned by Hon. Aurora V. Maqueda-Roman, Presiding Judge, RTC Branch 61, Gumaca, Quezon; id. at 70-95.

[3] Id. at 95.

[4] Id.

[5] Per this Court's Resolution dated 19 September 2006 in A.M. No. 04-11-09-SC, as well as our ruling in *People v. Cabalquinto* (G.R. No. 167693, 19 September 2006, 502 SCRA 419), pursuant to Republic Act No. 9262 or the "Anti-Violence Against Women and Their Children Act of 2004" and its implementing rules, the real name of the victims and their immediate family members other than the accused are to be withheld and fictitious initials are to be used instead. Likewise, the exact addresses of the of the victims are to be deleted.

[6] Records, p. 2.

[7] TSN, 22 November 2000.

[8] TSN, 25 April 2001.

- [9] TSN, 13 June 2001.
- [10] TSN, 22 February 2001.
- [11] TSN, 22 February 2001, pp. 2-5.
- [12] TSN, 22 February 2001, pp. 8-13
- [13] TSN, 13 June 2001, pp. 3-5.
- [14] TSN, 29 August 2001.
- [15] Rollo, p. 95.
- [16] Id. at 76-89.
- [17] Id. at 95.
- [18] G.R. Nos. 147678-87, 7 July 2004, 433 SCRA 640.
- [19] Rollo, p. 139.
- [20] Id. at 21.
- [21] Id. at 56.
- [22] Id. at 60.
- [23] Id.
- [24] Id. at 120.
- [25] Id.
- [26] *People v. Tampus*, 455 Phil. 844, 861 (2003).
- [27] Republic Act No. 9346, enacted on 24 June 2006, effectively amended the provision of Article 266-B as the first-named law effectively repealed the imposition of the death penalty and in its stead impressed the penalty of reclusion perpetua without the possibility for parole to be imposed in its place.
- [28] *People v. Gloria*, G.R. No. 168476, 27 September 2006, 503 SCRA 742, 755.
- [29] Id. at 756.
- [30] *People v. Valdez*, 466 Phil. 116, 129 (2004), citing *People v. Burgos*, 421 Phil. 1006, 1016 (2001).
- [31] *Calimutan v. People*, G.R. No. 152133, 9 February 2006, 482 SCRA 44, 57.
- [32] REVISED RULES OF COURT, Rule 133, Section 2.
- [33] *People v. Dramayo*, 149 Phil. 107, 114 (1971).
- [34] R. Francisco, BASIC EVIDENCE, p. 38 of the Supplement (1999).
- [35] 23 C.J.S. 264.**
- [36] AAA's birth certificate was presented in court to prove the age of the victim.
- [37] *People v. Suarez*, G.R. Nos. 153573-76, 15 April 2005, 456 SCRA 333, 349.

[38] *People v. Isla, Jr.*, 432 Phil. 414, 431 (2002).

[39] *People v. Suarez*, *supra* note 37 at 349.

[40] *People v. Gardon*, G.R. No. 169872, 27 September 2006, 503 SCRA 757, 767.

[41] *People v. Lozano*, 357 Phil. 397, 413 (1998).

[42] *People v. Desuyo*, G.R. No. L-71173, 9 August 1988, 164 SCRA 210, 214.

[43] *Id.* at 214-215.

[44] *People v. Baao*, 226 Phil. 396, 403 (1986).

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