

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ANTHONY RANTE Y REYES, ACCUSED-APPELLANT.

G.R. No. 184809. March 29, 2010

Ponente: PEREZ, J.

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PEREZ, J.:

Before Us for final review is the trial court's conviction of the appellant for the rape of a twelve-year old girl.

Consistent with the ruling of this Court in *People v. Cabalquinto*,^[1] the real name and the personal circumstances of the victim, and any other information tending to establish or compromise her identity, including those of her immediate family or household members, are not disclosed in this decision.

The Facts

In an Information dated 14 December 2000,^[2] the appellant was accused of the crime of RAPE allegedly committed as follows:

That on or about the 13th day of December 2000, in xxx City, Philippines, the said accused with force and intimidation, did then and there willfully, unlawfully and feloniously grab and drag into a vacant house along xxx Street, this City, AAA, a minor, 12 years old[,] after hitting her on the head with a hollow block, and once inside undress her and thereafter had carnal knowledge of her all against her will and without her consent to the damage and prejudice of said offended party.^[3]

On 8 February 2001, appellant entered a plea of not guilty.^[4]

On trial, four (4) witnesses testified for the prosecution, namely: victim AAA;^[5] Dr. Mary Ann Gajardo, Philippine National Police, Camp Crame, Quezon City, who confirmed the existence of the medico-legal report prepared by one of their medico-legal officers;^[6] Robert Baltores, a Barangay Security Development Officer member, who testified on the series of events relating to the recording of the rape incident at the barangay outpost and the arrest of appellant;^[7] and Vicente Cielo, a member of the volunteer group in the barangay, who brought the accused to the barangay.^[8] Their testimonies revealed the following:

In the evening of 12 December 2000, AAA and her mother attended the house blessing of the Labrake family.^[9] There were many visitors, among whom was the late movie personality Rudy Fernandez.^[10]

At around 12:30 in the morning of the following day, AAA's mother decided to go back to their house,^[11] which is only five houses away from the Labrake residence.^[12] AAA followed 30 minutes thereafter.^[13]

While AAA was on her way home, appellant suddenly grabbed her arm, hit her on the head with a hollow block and dragged her to the vacant house next to the Labrakes'.^[14] Notwithstanding the injury she sustained, she was conscious^[15] when she was defiled. AAA recounted every detail of her harrowing experience, to wit: that appellant kissed her, removed her shorts and underwear, and forced her to lie down;^[16] that appellant undressed himself, went on top of her, and inserted his private organ into hers;^[17] that AAA tried to push him away but he

pressed his body against hers to pin both of her arms;[18] that she shouted for help but it was drowned by the loud music coming from the house of the Labrake family;[19] and that appellant also inserted his finger into AAA's private organ.[20] After consummating the rape, appellant stood up to look for his wrist watch.[21] AAA took this chance to put on her shorts and run away.[22]

Eight to ten meters away from the vacant house, AAA's mother saw her running towards their house.[23] Upon learning of the incident, AAA's mother sought help from the neighbors.[24] All of them proceeded to the crime scene.[25] Their neighbors entered the house and saw appellant, who was wearing a blue cap and short pants, jump over the fence.[26]

When the appellant got away, AAA and her family reported the incident to the barangay.[27] Thereafter, AAA submitted herself to physical examination at the Philippine National Police, Camp Crame, Quezon City.[28]

On the other hand, only appellant testified for the defense. On direct examination, he alleged that, at around 10:00 o'clock in the evening of 12 December 2000, he was asleep at home in Payatas, Quezon City.[29] At around 3:00 o'clock in the morning of the following day, he left to report for work as a construction worker in Ayala Alabang.[30] When he was about to ride a tricycle he was arrested by a barangay tanod.[31] He was not aware why he was arrested.[32] Also, he claimed that he saw AAA, only for the first time, in court.[33]

On 29 July 2004, the Regional Trial Court, Branch 106, Quezon City, rendered its decision[34] in Criminal Case No. Q-00-97271, finding appellant guilty beyond reasonable doubt of rape, and sentenced him to suffer the penalty of reclusion perpetua.[35] It also ordered him to indemnify AAA in the amount of P50,000.00 as moral damages, and P50,000.00 as civil indemnity.[36]

On 28 February 2008, the Court of Appeals AFFIRMED[37] the decision of the trial court.

On 2 April 2008, the Court of Appeals gave due course to the appellant's notice of appeal.[38] This Court required the parties to simultaneously file their respective supplemental briefs,[39] but both manifested that they will no longer file supplemental pleadings.[40]

The lone assignment of error in the appellant's brief is that the trial court gravely erred in finding him guilty as charged despite the failure of the prosecution to establish his guilt beyond reasonable doubt.[41]

Our Ruling

The appeal is bereft of merit.

In the determination of the innocence or guilt of the accused in rape cases, the courts consider the following principles: (1) an accusation of rape can be made with facility and while the accusation is difficult to prove, it is even more difficult for the accused, though innocent, to disprove; (2) considering that in the nature of things, only two persons are usually involved in the crime of rape, the testimony of the complainant should be scrutinized with great caution; and (3) the evidence for the prosecution must stand or fall on its own merits and cannot be allowed to draw strength from the weakness of the evidence for the defense.[42]

Appellant claims that he was not positively identified as the person who attacked AAA[43] inasmuch as the assailant is a stranger to the private complainant and the identification was made solely on the basis of the blue cap he wore.[44] He contends that, on this basis alone, it cannot be discounted that any man with a blue cap on roaming within the vicinity may have been identified as the rapist.[45]

We disagree.

The trial court and the Court of Appeals correctly found that AAA positively identified appellant.[46] It is true

that appellant was apprehended because of the blue cap he wore and the description AAA gave her sister. Nonetheless, assuming that appellant was not the perpetrator of the crime, AAA could have readily said so after the arrest. However, she was positive that the appellant was the person who attacked her. On cross examination,[47] AAA testified:

Q

xxx So after the alleged commission of that rape what did he do? Did he release you? xxx

A

He stood up and look[ed] for his wristwatch xxx.

Q

What did you do?

A

I put on my shirt and r[a]n away.

Q

So at [that] time did you recognize him?

A

I do not know his name but I only recognized. (sic)

Also, in her Sinumpaang Salaysay, she was certain that appellant was at the house blessing because she saw him have his blue cap autographed by the Labrake family's house guest, the late movie actor Rudy Fernandez.[48]

Consistent with the aim of a last look at the case, which is to determine whether or not there is sufficient reason to overturn the ruling of the trial court and the affirmance of the Court of Appeals, we scrutinized AAA's statement in her Sinumpaang Salaysay, which is observed as inconsistent with her testimony on cross examination. She testified that she saw the suspect for the first time during the rape incident.[49] Thus:

ATTY. TEMANIL:

Cross [Y]our Honor.

Miss Witness you will agree with me that the first time you saw the suspect was on the alleged incident when you were raped[,] am I correct?

A Yes, sir.

On this score alone, however, the credibility of the witness is not destroyed. It should be noted that AAA testified before the court two years after the execution of her Sinumpaang Salaysay. Moreover, AAA could have understood the question on the "alleged incident when you were raped"[50] to pertain to the entire incident prior to, during, and after the rape incident. At any rate, settled is the rule that inconsistencies in the testimonies of witnesses, when referring to minor, trivial or inconsequential circumstances, even strengthen the credibility of the witnesses, because they eliminate doubts that such testimony had been coached or rehearsed. [51]

Further, as correctly pointed out by the Court of Appeals, the testimony of minor victims is normally given full weight and credit.[52] When a woman states that she has been raped, she says in effect all that is necessary to show that rape was committed.[53] Since the trial court had seen and heard the witnesses and observed their demeanor in court, it is in a better position to determine the credibility of the witnesses and their testimonies.[54]

Its findings are, therefore, entitled to the highest respect and its evaluation shall be binding on the appellate court absent any showing that facts of substance and value have been plainly overlooked or misunderstood.[55]

Lastly, when the testimony of the witness corresponds with medical findings, there is sufficient basis to conclude that the essential requisites of carnal knowledge have been established.[56]

In the instant case, the medico-legal examination conducted on AAA reveals that she is no longer a virgin. The medico-legal report shows that her hymen is "elastic, flexible type with shallow healed lacerations at 2,3,7 and 9 o'clock and deep healed laceration at 6 o'clock position." [57] This Court considers lacerations, whether healed or fresh, the best physical evidence of forcible defloration, and, when such physician's finding of penetration, as in this case, is corroborated by the victim's testimony, there is sufficient reason to conclude that the essential requisite of carnal knowledge exists.[58]

The prosecution has clearly established the guilt of the appellant, while the defense has no contrary evidence to rely on. Time and again, this Court has ruled that the self-serving defense of appellant cannot prevail over the positive and straightforward testimony of the witness. Alibi is an inherently weak defense viewed with suspicion because it is not difficult to fabricate,[59] so much so that for the defense of alibi to prosper, the accused must establish two elements - (1) he was not at the locus delicti at the time the offense was committed; and (2) it was physically impossible for him to be at the scene at the time of its commission.[60] Accused-appellant failed in this wise.

We, therefore, affirm the decisions of the trial court and the Court of Appeals. However, we deem it necessary to modify the civil liability of the appellant to include exemplary damages.

The rich jurisprudence in rape cases shows that there are two legal bases for awarding exemplary damages. *People v. Dalisay*[61] is instructive. Thus:

[B]y focusing only on Article 2230 as the legal basis for the grant of exemplary damages--taking into account simply the attendance of an aggravating circumstance in the commission of a crime, courts have lost sight of the very reason why exemplary damages are awarded. *Catubig* is enlightening on this point, thus--

Also known as 'punitive' or 'vindictive' damages, exemplary or corrective damages are intended to serve as a deterrent to serious wrong doings, and as a vindication of undue sufferings and wanton invasion of the rights of an injured or a punishment for those guilty of outrageous conduct. These terms are generally, but not always, used interchangeably. In common law, there is preference in the use of exemplary damages when the award is to account for injury to feelings and for the sense of indignity and humiliation suffered by a person as a result of an injury that has been maliciously and wantonly inflicted, the theory being that there should be compensation for the hurt caused by the highly reprehensible conduct of the defendant--associated with such circumstances as willfulness, wantonness, malice, gross negligence or recklessness, oppression, insult or fraud or gross fraud--that intensifies the injury. The terms punitive or vindictive damages are often used to refer to those species of damages that may be awarded against a person to punish him for his outrageous conduct. In either case, these damages are intended in good measure to deter the wrongdoer and others like him from similar conduct in the future.[62]

Being corrective in nature, exemplary damages, therefore, can be awarded, not only in the presence of an aggravating circumstance, but also where the circumstances of the case show the highly reprehensible or outrageous conduct of the offender. (Emphasis supplied.) In much the same way as Article 2230 prescribes an instance when exemplary damages may be awarded, Article 2229, the main provision, lays down the very basis of the award. xxx Recently, in *People of the Philippines v. Cristino Cañada*,[63] *People of the Philippines v. Pepito Neverio*[64] and *The People of the Philippines v. Lorenzo Layco, Sr.*,[65] the Court awarded exemplary damages 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. (Emphasis supplied)

In Cañada,[66] the relationship of appellant, common law spouse of the mother of the fifteen-year old victim, was never alleged in the Information nor proven in court. Citing *People v. Canares*,[67] a case of statutory rape perpetrated by a househelper, this Court awarded exemplary damages in the amount of P30,000.00 justified under Article 2229 of the Civil Code "to set a public example and serve as deterrent against elders who abuse and corrupt the youth." [68]

In the case at bar, the minority of AAA was sufficiently established by presenting her birth certificate in court.[69] All considered, the award of exemplary damages in the amount of P30,000.00 is, therefore, in order.

WHEREFORE, we hereby AFFIRM with MODIFICATION the Decision dated 28 February 2008 of the Court of Appeals in CA-G.R. CR HC No. 00184 finding ANTHONY RANTE Y REYES GUILTY beyond reasonable doubt of the crime of rape. In addition to the awards of civil indemnity and moral damages each in the amount of P50,000.00, he is further ordered to pay P30,000.00 as exemplary damages.

SO ORDERED.

Carpio,[*] (Chairperson), Brion, Del Castillo, and Abad, JJ., concur.

[*] Per Special Order No. 826, Senior Associate Justice Antonio T. Carpio is designated Acting Chief Justice from 18 to 30 March 2010.

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

[2] Records, p. 1.

[3] Id.

[4] Id. at 17.

[5] TSNs, 11 July 2001 and 8 August 2001.

[6] TSN, 3 October 2002, pp. 128-139

[7] TSN, 21 February 2002, p. 63.

[8] TSNs, 21 February 2002 and 23 May 2002.

[9] TSN, 11 July 2001, p. 3.

[10] Id.

[11] Id. at 4.

[12] Id. at 3.

[13] TSN, 11 July 2001, p. 4.

[14] Id.

[15] Id. at 5.

[16] Id. at 5-6.

[17] Id. at 6.

- [18] Id. at 6-7.
- [19] Id. at 7-8.
- [20] Id. at 8.
- [21] Id.
- [22] Id.
- [23] Id.
- [24] Id. at 9.
- [25] Id.
- [26] Id.
- [27] Id.
- [28] Id. at 10.
- [29] TSN, 31 July 2003, p. 155.
- [30] TSN, 11 September 2003, p. 164
- [31] Id. at 164-165
- [32] Id. at 165.
- [33] Id.
- [34] Penned by Judge Natividad Giron Dizon. Records, pp. 150-160.
- [35] Id. at 159-160.
- [36] Id at 160.
- [37] Penned by Associate Justice Japar B. Dimaampao with Associate Justices Mario L. Guariña III and Sixto C. Marella, Jr. concurring. Rollo, pp. 2-9.
- [38] CA rollo, p. 99.
- [39] Rollo, p. 16.
- [40] Rollo, pp. 25-27 and 30-32.
- [41] Id. at 43.
- [42] *People of the Philippines v. Basmayor*, G.R. No. 182791, 10 February 2009, 578 SCRA 369.
- [43] CA rollo, p. 44.
- [44] Id. at 45.
- [45] Id. at 46.
- [46] Records, p. 159; rollo, p. 5.
- [47] TSN, 8 August 2001, p. 30.

- [48] Records, p. 5
- [49] TSN, 11 July 2001, p. 12.
- [50] Id.
- [51] People v. Villadares, 406 Phil. 530, 540 (2001), citing People v. Gargar, 360 Phil. 729, 741 (1998).
- [52] Rollo, p. 8.
- [53] People v. Jacob, G.R. No. 177151, 22 August 2008, 563 SCRA 191, 207.
- [54] People v. Mariano Ofemiano, G.R. No. 187155, 1 February 2010, citing People v. Padilla, G.R. No. 167955, 30 September 2009; People v. Tuazon, G.R. No. 168102, 22 August 2008, 563 SCRA 124, 132.
- [55] Id., citing People v. Suyat, G.R. No. 173484, 20 March 2007, 518 SCRA 582, 591; People v. Dimaano, G.R. No. 168168, 14 September 2005, 469 SCRA 647, 658.
- [56] People v. Tuazon, G.R. No. 168102, 22 August 2008, 563 SCRA 124, 135.
- [57] Records, p. 7.
- [58] Rollo, page 8, citing People v. Tonyacao, 7 July 2004., 433 SCRA 513, 531.
- [59] People v. Jacob, supra note 53 at 203.
- [60] People v. Aycardo, G.R. No. 168299, 6 October 2008, 567 SCRA 523, 534.
- [61] People v. Dalisay, G.R. No. 188106, 25 November 2009.
- [62] Id., citing People v. Catubig, 416 Phil. 102, 118-119 (2001)
- [63] G.R. No. 175317, 2 October 2009.
- [64] G.R. No. 182792, 25 August 2009.
- [65] G.R. No. 182191, 8 May 2009.
- [66] People v. Cañada, supra note 63.
- [67] G.R. No. 174065, 18 February 2009.
- [68] People v. Cañada, supra note 63.
- [69] Records, p. 95.

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