

PEOPLE OF THE PHILIPPINES, APPELLEE, VS. ELMER PERALTA Y HIDALGO, APPELLANT.*G.R. No. 187531. October 16, 2009*

Ponente: NACHURA, J.

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For final review by the Court is the trial court's conviction of appellant Elmer Peralta y Hidalgo for statutory rape. In the November 27, 2008 Decision[1] of the Court of Appeals (CA) in CA-G.R. CR-HC No. 02772, the appellate court, on intermediate review, affirmed in toto the February 13, 2007 Decision[2] of the Regional Trial Court (RTC), Branch 30 of San Fernando City, La Union in Criminal Case No. 6789.

As found by both the trial and the appellate courts, the rape incident transpired during the wake of the victim's late grandmother. It was around 8 p.m. on January 2, 2005 when the victim, then a six-year-old lass, on her way to the restroom, saw appellant, a guest in the wake. Appellant asked the young girl to accompany him in buying something from the nearby store. He, however, brought the girl to a grassy area where he carried out his bestial act. Expectedly, the hapless child felt pain in her genitals and protested the intrusion, but her resistance proved futile. After appellant was done molesting her, he threatened the girl that he would beat up her parents if she uttered a word about the incident.[3]

The child, with tears in her eyes, rushed home to her parents. When asked about what had happened, she remained mum. The girl, nevertheless, eventually narrated her harrowing ordeal to her parents after her mother, who was to put her to bed, discovered bloodstains on her underwear. Shocked and infuriated, her father sought the help of the authorities and proceeded to the house of appellant, where the latter was apprehended.[4]

The medical examination of the child revealed that her hymen was gaping with a laceration at the 11 o'clock position and with minimal bleeding. Her cervix could further admit the examining finger with ease, a finding unusual for a child of tender years.[5]

An Information[6] for rape was consequently filed with the trial court on January 11, 2005, pertinently stating the following:

That on or about the 2[nd] day of January, 2005 in the City of San Fernando (La Union), Philippines and within the jurisdiction of this Honorable Court, the above-named accused with lewd design and by means of force, violence and intimidation did then and there willfully, unlawfully and feloniously have sexual intercourse with the offended party [name omitted], minor six (6) years of age against her will, to the damage and prejudice of said [name omitted].

CONTRARY TO LAW.[7]

For his defense, appellant relied on denial and alibi, contending in the main that he was on a drinking spree near the place of the wake but he eventually went home at 7 p.m.[8]

After trial on the merits, the RTC rendered its February 13, 2007 Decision,[9] convicting the appellant of statutory

rape. The court lent credence to the firm and straightforward testimony of the victim and to her positive identification of appellant as the perpetrator of the bestial act. The dispositive portion of the trial court's decision reads:

WHEREFORE, premises considered, the Court hereby finds the accused guilty beyond reasonable doubt of the crime of statutory rape and sentences him to suffer imprisonment of reclusion perpetua and orders him to pay the complainant FIFTY THOUSAND (Php 50,000.00) PESOS as civil indemnity and another FIFTY THOUSAND (Php 50,000.00) PESOS as moral damages. With costs.

SO ORDERED.[10]

On intermediate review, the CA, in its November 27, 2008 Decision,[11] affirmed in toto the decision of the trial court. Thus, the Court now finally reviews the trial court's and the appellate court's uniform findings.

The Court affirms appellant's conviction.

Three principles guide the courts in resolving rape cases: (1) an accusation for rape can be made with facility; it is difficult to prove but more difficult for the accused, though innocent, to disprove; (2) in view of the intrinsic nature of the crime of rape where only two persons are usually involved, the testimony of the complainant must be scrutinized with extreme 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.[12]

In a determination of guilt for the crime of rape, primordial is the credibility of complainant's testimony, because, in rape cases, the accused may be convicted solely on the testimony of the victim, provided it is credible, natural, convincing, and consistent with human nature and the normal course of things.[13] This eloquent testimony of the victim, coupled with the medical findings attesting to her non-virgin state, should be enough to confirm the truth of her charges.[14]

In the instant case, the victim testified that she was raped and identified the appellant as the one who maligned her. Her narration was further supported by medical findings, coupled by the testimony of the examining physician, with regard to her non-virgin state. Of note moreover is that the trial court, which had the undisputed vantage in the evaluation and appreciation of testimonial evidence, found the victim's narration of her painful ordeal as clear, categorical, straightforward, sincere, and truthful.[15] Well-entrenched in our jurisprudence is the rule that the findings of the trial court on the credibility of witnesses are entitled to the highest respect and are not to be disturbed on appeal in the absence of any clear showing that the trial court overlooked, misunderstood or misapplied facts or circumstances of weight and substance that would have affected the result of the case.[16]

Appellant's defenses of denial and alibi cannot also demolish the victim's clear and convincing narration and positive identification of her assailant. Denial and alibi are disfavored on account of the facility with which they can be concocted to suit the defense of an accused.[17] In this case, appellant has not even shown that it was physically impossible for him to have been at the crime scene.

As provided for in the Revised Penal Code (RPC), sexual intercourse with a girl below 12 years old is statutory rape. The two elements of the crime are: (1) that the accused had carnal knowledge of a woman; and (2) that the woman was below 12 years of age.[18] In the instant case, the first element has been satisfied by the testimony of the victim as explained above; and the second, by her birth certificate presented during the trial, showing that she was born on November 7, 1998.[19] Further, a qualifying circumstance is present in this case, which will raise the nature of the crime to a higher category, i.e., the victim was a child below seven (7) years old. The presence of the foregoing qualifying circumstance raised the crime of statutory rape to qualified rape.[20]

Hence, the Court finds the appellant guilty beyond reasonable doubt of the crime of qualified rape. The imposable

penalty under the RPC for the said crime is death. However, following Republic Act No. 9346,[21] in lieu of the death penalty, the penalty of reclusion perpetua without eligibility for parole is imposed.

With regard to the damages awarded by the trial court, the Court finds the same to be deficient. Following settled jurisprudence, the Court orders the appellant to pay the victim civil indemnity of P75,000.00, exemplary damages of P30,000.00, and moral damages of P75,000.00 without need of pleading or proof of basis thereof.[22]

WHEREFORE, premises considered, the November 27, 2008 Decision of the Court of Appeals in CA-G.R. CR-HC No. 02772, affirming the February 13, 2007 Decision of the Regional Trial Court, Branch 30, of San Fernando City, La Union in Criminal Case No. 6789, is likewise **AFFIRMED** with the following **MODIFICATIONS**: (1) the appellant is found guilty of the crime of qualified rape; (2) the appellant is sentenced to suffer the penalty of reclusión perpetua without eligibility for parole; and (3) the appellant is ordered to pay the victim civil indemnity of P75,000.00, moral damages of P75,000.00, and exemplary damages of P30,000.00.

SO ORDERED.

Carpio Morales[*], Chico-Nazario[**], (Acting Chairperson), Peralta, and Abad[***], JJ., concur.

[*] Additional member vice Associate Justice Antonio T. Carpio per Special Order No. 744 dated October 13, 2009.

[**] Acting Chairperson vice Associate Justice Antonio T. Carpio per Special Order No. 743 dated October 13, 2009.

[***] Additional member vice Associate Justice Presbitero J. Velasco, Jr. per Special Order No. 753 dated October 13, 2009.

[1] Penned by Associate Justice Arcangelita M. Romilla-Lontok (retired), with Associate Justices Mariano C. del Castillo (now a member of this Court) and Romeo F. Barza, concurring; rollo, pp.2-8.

[2] CA rollo, pp. 52-61.

[3] Id. at 53.

[4] Id. at 53-54.

[5] Id. at 54.

[6] Id. at 5.

[7] Id.

[8] Id. at 55, 59.

[9] Supra note 2.

[10] CA rollo, p. 61.

[11] Supra note 1.

[12] *People v. Glivano*, G.R. No. 177565, January 28, 2008, 542 SCRA 656, 662; citing *People v. Malones*, 425 SCRA 318, 329.

[13] *People v. Pascua*, G.R. No. 151858, November 27, 2003, 416 SCRA 548, 552.

[14] *People v. Oden*, G.R. Nos. 155511-22, April 14, 2004, 427 SCRA 634, 655.

[15] CA rollo, p. 58.

[16] *People v. Sta. Ana*, G.R. Nos. 115657-59, June 26, 1998, 291 SCRA 188, 202.

[17] *People v. Alvarez*, G.R. Nos. 140388-91, November 11, 2003, 415 SCRA 523, 530.

[18] *People v. Ramos*, G.R. No. 179030, June 12, 2008, 554 SCRA 423, 430.

[19] CA rollo, p. 97.

[20] *People v. Gloria*, G.R. No. 168476, September 27, 2006, 503 SCRA 742, 756.

[21] Entitled "An Act Prohibiting the Imposition of Death Penalty in the Philippines," approved on June 24, 2006.

[22] *People of the Philippines v. Adelado Anguac y Ragadao*, G.R. No. 176744, June 5, 2009; *People v. Glivano*, supra note 12, at 665; *People v. Gloria*, supra note 20, at 756; *People v. Audine*, G.R. No. 168649, December 6, 2006, 510 SCRA 531, 553; *People v. Cayabyab*, G.R. No. 167147, August 3, 2005, 465 SCRA 681, 693; *People v. Alfaro*, 458 Phil. 942, 963 (2003).

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