

PEOPLE OF THE PHILIPPINES, APPELLEE, VS. EVILIO MILAGROSA, APPELLANT.

G.R. No. 188108. February 21, 2011

Ponente: BRION, J.

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BRION, J.:

We decide in this Resolution the appeal filed by appellant Evilio Milagrosa from the November 27, 2008 decision of the Court of Appeals (CA) in CA-G.R. CR-H.C. No. 02777.

On March 3, 2004, at around 7:00 in the morning, in the Province of Quezon, 16-year old[1] AAA[2] was alone in their house and had just finished washing the dishes when a person (later identified as Evilio Milagrosa) came. Evilio grabbed AAA and forcibly carried her to a grassy area outside the house. AAA struggled but Evilio, who was stronger, prevailed. She was also frightened when she noticed a balisong tucked at Evilio's waist. Evilio removed AAA's clothes, inserted his penis into her vagina, thereby consummating sexual intercourse with AAA. Evilio thereafter left, cautioning AAA not to tell anyone about the incident.[3]

Evilio was charged with the crime of rape. He argues that he could not have carried AAA to the grassy area as she insisted; it was 7:00 in the morning and the neighbors would have heard her screams. She could also have easily grabbed his balisong and struck him with it. Finally, he raised alibi as his defense stating that he was in Camp Crame at that time.

The prosecution presented AAA as its sole witness. AAA testified that she had known Evilio for a long time as he was a friend of her father. She added that their house is in an isolated place; from there, she cannot even see the house of their nearest neighbor.[4]

After trial, the Regional Trial Court (RTC), Branch 63, Calauag, Quezon, found AAA's testimony credible, and convicted Evilio of the crime of rape. He was sentenced to suffer the penalty of reclusion perpetua and to pay the victim P50,000.00 as civil indemnity and P50,000.00 as moral damages.[5]

On appeal, the CA ruled that the prosecution successfully proved beyond reasonable doubt the appellant's guilt. It found that the positive and competent testimony of AAA was enough to convict Evilio. The CA also reasoned that it was not altogether impossible for Evilio to forcibly carry AAA to the grassy area. Evilio, although 55 years old, was not old or weak; he was then still working as a carpenter. A carpenter's job is physical and Evilio had the required physical strength to overpower a 16-year old girl. Neither could AAA be faulted for not grabbing and using Evilio's balisong as she did not have the maturity for this kind of reaction and any physical resistance she could have offered would not have been effective. Her screaming, given the remote location of their house, could not have attracted the attention of their nearest neighbors. The CA, thus, affirmed the findings of the lower court.[6] Hence, the recourse to this Court for a final review.

We affirm the appellant's guilt.

We find no reason to disturb the findings of the RTC that the CA wholly affirmed. It is well settled that an

accused may be convicted of rape based solely on the testimony of the victim, as long as she is competent and credible. The unique nature of the crime of rape (which is usually committed in a private place where only the perpetrator and the rape victim are present)[7] allows this evidentiary approach and the conclusion the lower courts reached.

We note that the conduct of the trial and the findings of the trial court indicate no irregularity or grave abuse of discretion to warrant any suspicion about the validity of its findings and conclusions. Time and again, we have held, on the issue of credibility of the victim or of the prosecution witnesses, that the findings of the trial courts carry great weight and respect; generally, appellate courts do not overturn these findings unless the trial court overlooked, misunderstood or misapplied some facts or circumstances of weight and substance that can alter the assailed decision or affect the result of the case.[8] In this case, we see no reason to alter the findings of the RTC and the affirmation the CA accorded these findings.

The defense of alibi, presented with no corroborating evidence, also deserves scant consideration. We note in this regards that no record or any witness attesting to the presence of the accused at Camp Crame at the time of the incident, was ever presented. Between the positive and straightforward testimony of AAA and Evilio's defense of alibi, the victim's testimony deserves great evidentiary weight. Lastly, to conform with recent jurisprudence,[9] we modify the CA decision and award exemplary damages in the amount of P30,000.00 on account of the moral corruption, perversity and wickedness of the accused, who is 55 years old, in sexually assaulting a 16-year old girl.

WHEREFORE, the November 27, 2008 Decision of the Court of Appeals in CA-G.R. CR-H.C. No. 02777 is hereby AFFIRMED with MODIFICATION, in that, appellant Evilio Milagrosa is additionally ORDERED to PAY the complainant P30,000.00 as exemplary damages.

SO ORDERED.

Carpio Morales, J., Chairperson, on wellness leave.

Brion, Acting Chairperson, Bersamin, Abad, Villarama, Jr., and Sereno, JJ., concur.

[**] Designated Acting Chairperson of the Third Division effective February 16, 2011, per Special Order No. 295 dated January 24, 2011.

[***] Additional Member per Special Order No. 926 dated January 24, 2011.

[1] CA rollo, p. 60.

[2] *People v. Cabalquinto*, G.R. No. 167693, September 19, 2006, 502 SCRA 419; in accordance with R.A. 9262 (Anti-Violence Against Women and Their Children Act of 2004), and R.A. 7160 (Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act), the complainant's name is withheld and the initials AAA is used instead.

[3] TSN, March 18, 2004, p. 5.

[4] TSN, September 14, 2004, pp. 16-20.

[5] Penned by Judge Mariano Morales, Jr.; CA rollo, pp. 59-69.

[6] Penned by Associate Justice Jose Catral Mendoza, and concurred in by Associate Justices Andres Reyes, Jr. and Sesinando Villon; CA rollo, pp. 97-108.

[7] People v. Guambor, G.R. No. 152183, January 22, 2004, 420 SCRA 677.

[8] People v. Blancaflor, G.R. No. 130586, January 29, 2004, 421 SCRA 354.

[9] People v. Dalisay, G.R. No. 181806, November 25, 2009, 605 SCRA 807.

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