

PEOPLE OF THE PHILIPPINES, APPELLEE, VS. ILDEFONSO MENDOZA Y BERIZO, APPELLANT.

G.R. No. 188669. February 16, 2010

Ponente: NACHURA, J.

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NACHURA, J.:

For review is the Decision[1] of the Court of Appeals (CA) in CA-G.R. CR-HC No. 03066, which affirmed the decision[2] of the Regional Trial Court (RTC), Branch 207, Muntinlupa City, finding appellant Ildefonso Mendoza guilty of Statutory Rape under Article 266-A of the Revised Penal Code.

The accused was charged in an Information which reads:

The undersigned Assistant City Prosecutor accuses ILDEFONSO MENDOZA Y BERISO @ "JUN JUN" of the crime of Statutory Rape, under Art. 266-A, Par. 1(d), in relation to Art. 266-B, 1[st] Paragraph, of the Revised Penal Code, as amended by R.A. 8353, committed as follows:

That on or about the 28[th] day of May, 2003, in the City of Muntinlupa, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, being a man, by means of force, threat or intimidation, did then and there willfully, unlawfully and feloniously have carnal knowledge of the complainant, CMS, an 8-year old girl, by pressing his penis against and into the vagina of the said girl for purposes of penetrating the same for lust, against the latter's will and consent.

Contrary to law.

The factual antecedents as summarized by the CA:

During the trial, the prosecution presented, as witnesses, the private complainant herself, CMS; and eyewitness, Anna Loth Fernandez. As stated in the "Counter-Statement of Facts" in the Appellee's Brief, the thrust of its evidence is as follows:

On May 28, 2003, at about 2:30 in the afternoon, in West 3-B Cabulusan, Muntinlupa City, eight-year-old CMS, the victim, was at home inside their sala and was about to sleep when appellant Ildefonso Mendoza, a friend of her father, removed her shorts and panty, kissed and licked her vagina, and thereafter inserted his penis in her vagina. CMS felt pain and shouted "Aray!" prompting appellant to remove his penis. Thereafter, appellant told CMS not to tell her grandmother about what happened.

Incidentally, eighteen-year-old Anna Loth Fernandez was standing in front of the door of the house of CMS at the time of the incident. Anna Loth noticed a moving blanket inside CMS's house. Curious, she went inside her house, which happened to be adjacent to the victim's house, proceeded to the second floor, then peeped through a hole on the wall, where she saw a blanket covering appellant's lower body. Also, she saw appellant pull CMS's feet, removed the latter's shorts and kissed the latter's vagina. She further saw the victim trying to escape as appellant tried to open the former's legs. At that point, Anna Loth called her cousins, her siblings and Joseph, the victim's brother, to come upstairs to see what was happening. Thereafter, the group went down, talked about what they saw, and then, decided to tell Anna Loth's mother and grandmother of the incident, as

they were scared of stopping appellant from what he was doing to the victim.

Only the accused, Ildefonso Mendoza, testified in his defense. His version is succinctly stated in the Appellant's Brief as follows:

EVIDENCE FOR THE DEFENSE

To rebut the evidence of the prosecution, the lone testimony of the accused, Ildefonso Mendoza, was offered in court.

Ildefonso Mendoza was sleeping in the house of Romeo Serrada, where he was then residing, on 28 May 2003 at around 2:30 o'clock p.m. He was then unable to report to work because he was having a fever. He was awakened around 10:00 o'clock in the evening when Alice, the mother of Anna Loth, was running amuck, as there was a snake in their house. On 29 May 2003, around 1:00 p.m. in the morning, he was invited to the Barangay hall by Crispin Almeda. It was then and there that he was informed that he is being charged of raping the victim. He was even kicked while in the Barangay hall. From there, he was brought to the municipal hall, where he was incarcerated

The RTC rendered a decision, giving credence to the version of the prosecution that rape transpired:

WHEREFORE, accused is found guilty beyond reasonable doubt of the crime of statutory rape and is sentenced to suffer the penalty of reclusion perpetua. He is ordered to pay the victim Christine Mariel M. Serrada P50,000.00 as civil indemnity, P50,000.00 as moral damages and P25,000.00 as exemplary damages. His preventive imprisonment is credited in his favor.

SO ORDERED.[3]

On appeal, the CA affirmed the RTC:

WHEREFORE, the September 28, 2007 Decision of the Regional Trial Court, Branch 207, Muntinlupa City, in Criminal Case No. 03-391, is AFFIRMED.

SO ORDERED.[4]

Appellant filed a notice of appeal and is now before us insisting on his innocence and beseeching the reversal of the lower courts' finding of guilt.

We abide by the identical conclusion of the lower courts that accused raped CMS.

In the review of rape cases, we are guided by the following principles: (1) an accusation for rape can be made with facility; it is difficult to prove but more difficult for the person accused, though innocent, to disprove; (2) in view of the nature of the crime of rape where only two persons are usually involved, the testimony of the complainant is scrutinized with extreme caution; and (3) the evidence for the prosecution stands or falls on its own merits and cannot be allowed to draw strength from the weakness of the defense.[5] Ultimately, in a prosecution for rape, the complainant's credibility becomes the single most important issue.[6]

A perusal of CMS' testimony leads us to the inevitable conclusion that appellant raped her. As the CA had found, CMS' testimony accurately and vividly details, with the aid of paper dolls, what transpired on that fateful day, to wit:

Q.

What was that something bad that he did to you?

A.

He removed my shorts and panly, ma'am.

Q.

An then, after he removed your shorts and parity, what did he do next?

A.

He kissed my vagina and licked my vagina, ma'am.

Q.

Other than kissing your vagina and licking it, what else did he do?

A.

He inserted his penis to my vigena, ma'am.

x x x x

SSP ALEJO:

Q.

Likewise, you mentioned earlier that he kissed your vagina and then he licked it. Can you show it to us with the use of anatomical drawings what he did to you?

COURT INTERPRETER:

Witness is putting the head of the male paper doll over the vagina of the female paper doll.

SSP ALE JO:

Q.

And you said earlier, he inserted his penis inside your vagina, can you show to this Honorable Court with the use of those anatomical drawings?

COURT INTERPRETER:

Witness placing the male paper doll over the female paper doll.

CMS' testimony is corroborated by Anna Loth's direct testimony that while she was on the second floor of her house, adjacent to CMS' house, she peeped through a hole and noticed a moving blanket which turned out to be covering appellant's lower body. She then saw appellant pull CMS' feet, remove her shorts and kiss her vagina. Anna Loth's testimony consists of the following:

Q.

When you entered your house to verify what's happening to CMS what did you see, if any?

A.

I first went upstairs, there's a hole on the wall and I saw a blanket covering the lower half of Kuya Jun-Jun and I saw him, he was trying to pull with force the feet of Mariel.

Q.

What else did you see, if any?

A.

I saw also he was trying to remove the shorts of CMS.

Q.

Was he able to remove the shorts of CMS?

A.

Yes, ma'am but CMS was able to wear it.

Q.

What else did you see?

A.

He opened the short pants of CMS then kissed vagina of CMS.

Q.

What else did you see?

A.

He is trying to put CMS in a position.

Q.

What position?

COURT INTERPRETER:

Both were sitting down side by side on the floor and Jun-Jun was trying to open the legs of CMS and CMS was trying to escape.

SSP ALEJO:

Q.

And then what happened when CMS was trying to escape?

A.

Then I called my cousins and my siblings and the brother of CMS, Joseph, and then they went upstairs and then they peeped on the hole.

Q.

What did they see, if any, when they peep[ed through] the hole?

A.

They saw everything that happened.

Q.

What was that that they saw?

A.

Also what I saw that Jun-Jun was kissing the vagina of CMS and then we went down and we talked.

x x x x

Q.

xxx During the cross examination, Madam Witness, you testified that the accused kissed the vagina of the private complainant in this case, what else have you noticed from the place where you were peeping because you also testified that you peeped from a wall, Madam Witness?

A.

The accused touched the vagina of the private complainant, ma'am.

Q.

After witnessing the accused touch the vagina of the private complainant, what else transpired while you were peeing in the wall?

A.

I saw him kiss that vagina, ma'am, and I saw him also pulling the legs of CMS.

Q.

And after he pulled the legs of CMS, what else transpired, if any.

A.

I also saw him trying to remove the shorts of CMS, ma'am.

Q.

Was he able to remove the shorts?

A.

Yes ma'am, but CMS pulled it up also.

Q.

And then, what else happened?

A.

I saw that she was being positioned and I already described that during the last hearing, ma'am.

Q.

After that incident what did you do if any? After you saw that incident, what did you do, if any?

A.

I called my cousin and the sibling of CMS, ma'am.

Q.

What did your cousin and the sibling do, if any?

A.

They went upstairs and they witnesses what happened upstairs, ma'am.

Q.

And then?

A.

They also saw what I have seen there, ma'am.[7]

In stark contrast to the foregoing testimonies is appellant's barefaced denial. Appellant simply claims that he could not have raped CMS as, at that time and day, he was nursing a fever and sleeping at the house of a certain Romeo Serrada. He did not even bother to present as witness this person he claims to have stayed with at that time.

We are in full accord with the lower courts' separate rulings on the credibility of CMS. On this issue, the RTC declared:

The Court gives weight to the testimony of the private complainant, a minor, who has never been exposed to the ways of the world and who has not even experienced menstruation. Her cry that she was raped deserves full credence and should not be discarded. The attention of the court has not been called to any dubious reason or improper motive on the part of private complainant and her family that would have impelled them to charge and testify against him. Her testimony which is characterized by clarity, spontaneity and coherence passes the test of judicial scrutiny. The conduct of Anna Loth and private complainant's mother in reporting the incident to the private complainant's grandmother after they discovered its commission is of utmost importance in establishing the truth of the charge. The promptness and spontaneity of the act shown by Anna Loth in looking for the elder brother of the private complainant manifest the natural reaction of persons who have seen a wrong done to fight for justice. Based on their testimonies, the court finds them credible and they are in no way cold-blooded liars.[8]

However, as regards the civil liability of appellant, we increase the appellate court's award of civil indemnity to P75,000.00. We, likewise, increase the grant of moral damages to P75,000.00, without need of proof, and the award of exemplary damages to P30,000.00.

WHEREFORE, the decision of the Regional Trial Court in Criminal Case No. 03-391 and the Decision of the Court of Appeals in CA-G.R. CR-HC No. 03066 are AFFIRMED with MODIFICATION. Appellant Ildefonso Mendoza is SENTENCED to suffer the penalty of reclusion perpetua with no eligibility for parole and to pay the victim, CMS, the amounts of P75,000.00 as civil indemnity, P75,000.00 as moral damages, and P30,000.00 as exemplary damages, plus costs.

SO ORDERED.

Corona, (Chairperson), Carpio Morales,[*] Velasco, Jr., and Peralta, JJ., concur.

[*] Additional member in lieu of Associate Justice Jose Catral Mendoza per Raffle dated January 11, 2010.

[1] Penned by Associate Justice Jose Catral Mendoza (now a member of this Court), with Associate Justices Conrado M. Vasquez, Jr. and Ramon M. Bato, Jr., concurring; rollo, pp. 2-15.

[2] Penned by Presiding Judge Philip A. Aguinaldo; CA rollo, pp. 12-15.

[3] Id. at 15.

[4] Supra note 1, at 15.

[5] People v. Brondial, G.R. No. 135517, October 18, 2000, 343 SCRA 600; People v. Sevilla, G.R. No. 126199, December 8, 1999, 320 SCRA 107; People v. Baygar, G.R. No. 132238, November 17, 1999, 318 SCRA 358; People v. Sta. Ana, G.R. Nos. 115657-59, June 26, 1998, 291 SCRA 188; People v. Auxtero, G.R. No. 118314, April 15, 1998, 289 SCRA 75; People v. Balmoria, G.R. Nos. 120620-21, March 20, 1998, 287 SCRA 687; People v. Barrientos, G.R. No. 119835, January 28, 1998, 285 SCRA 221; People v. Gallo, G.R. No. 124736, January 22, 1998, 284 SCRA 590.

[6] People v. Abellano, G.R. No. 169061, June 8, 2007, 524 SCRA 388.

[7] Rollo, pp. 7-9.

[8] CA rollo, p. 15.

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