

THE PEOPLE OF THE PHILIPPINES, APPELLEE, VS. JULIETO SANCHEZ @ "OMPONG," APPELLANT.

G.R. No. 197815. February 08, 2012

Ponente: BRION, J.

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BRION, J.:

On appeal is the decision[1] dated December 22, 2010 of the Court of Appeals (CA) in CA-G.R. CR-H.C. No. 03954, which affirmed with modification the decision[2] of the Regional Trial Court (RTC), Branch 40, City of Calapan, Oriental Mindoro, in Criminal Case No. C-02-6879. The RTC found Julieto Sanchez @ "Ompong" (appellant) guilty beyond reasonable doubt of rape[3] committed on June 20, 2002 against a ten-year old girl, AAA.[4]

The Facts

The records show that the 26-year-old appellant accosted AAA while she was on her way home from school. The appellant (who was with a 14-year old co-accused)[5] gave chase, grabbed AAA, covered her mouth with a handkerchief, and dragged her to a bamboo grove. He then tied AAA's hands and feet with a wire, removed her lower garments, and kicked her hard on her back, causing her to stoop down with her buttocks protruding backward and her hands and knees on the ground.[6] While AAA was in that position, the appellant removed his lower garments and inserted his private organ into AAA's private organ, causing her pain; thereafter and in the same manner, the minor co-accused likewise had sexual coitus with AAA. With the rape done, the two untied AAA, threatening and warning her at the same time not to disclose the incident.

The next day, AAA confided the sexual assault to her mother when the latter inquired about the bloodstains found on AAA's panty and shorts. Her parents, in turn, reported the incident to the police. AAA was thereafter subjected to physical examination, revealing the presence of several lacerations in her vagina.

In the investigation that followed, AAA positively identified the appellant and his minor co-accused as the perpetrators of the sexual assault. The appellant denied the charge and even denied knowing AAA. He claimed that at the time of the incident, he was at the wake of his grandfather where he spent the night. He disclaimed knowing why AAA filed the case against him.

The RTC found the accused-appellant guilty beyond reasonable doubt of rape. It found AAA's straightforward testimony more credible than the denial and alibi propounded by the accused-appellant. The RTC decreed:

ACCORDINGLY, finding herein accused Julieto Sanchez y Elveza @ "Ompong" guilty beyond reasonable doubt of the crime of Rape punishable under the first paragraph of Article 266-A of the Revised Penal Code, said accused is hereby sentenced to suffer the penalty of RECLUSION PERPETUA with all the accessory penalties as provided for by law.

Said accused is hereby sentenced to indemnify the private complainant [AAA] the amount of P100,000.00 as civil indemnity and the amount of P75,000.00 as moral and exemplary damages.

SO ORDERED.[7] (emphasis supplied)

The appellant appealed his conviction to the CA which agreed with the RTC on the appellant's guilt of the crime charged. However, the CA modified the RTC's decision by reducing the amounts of civil indemnity and moral damages to P50,000.00 each, and deleting the award of exemplary damages.[8]

The Issue

The sole issue is whether the guilt of the appellant has been proven beyond reasonable doubt.[9] The appellant argues that: (1) AAA's testimony suffered from serious flaws and contradictions, rendering it doubtful; (2) there was evidence that another person committed the crime; and (3) he has a strong alibi.

The Court's Ruling

We find no reason to reverse the conviction of the appellant.

The Court is guided by the following jurisprudence when confronted with the issue of credibility of witnesses on appeal:

First, the Court gives the highest respect to the RTC's evaluation of the testimony of the witnesses, considering its unique position in directly observing the demeanor of a witness on the stand. From its vantage point, the trial court is in the best position to determine the truthfulness of witnesses.[10]

Second, absent any substantial reason which would justify the reversal of the RTC's assessments and conclusions, the reviewing court is generally bound by the lower court's findings, particularly when no significant facts and circumstances, affecting the outcome of the case, are shown to have been overlooked or disregarded.[11]

And third, the rule is even more stringently applied if the CA concurred with the RTC.[12]

In this case, both the RTC and the CA found AAA and her testimony credible. Our own independent examination of the records leads us to arrive at the same conclusion. AAA's testimony relating to the identity of the appellant as the perpetrator was firm and categorical. Her testimony on the details of the rape which established all its elements - namely, the carnal knowledge, the force and intimidation employed by the appellant, and AAA's young age - was clear and unequivocal.[13] AAA's credibility is further strengthened by her clear lack of ill-motive to falsify.

The inconsistencies found in AAA's testimony did not discredit her credibility. The pointed inconsistencies - whether AAA's lower garments were first removed before she was tied up - are too trivial in character and have no bearing in the determination of the appellant's guilt or innocence. The sequential order of the acts which immediately preceded the commission of the sexual assault by the appellant did not negate AAA's testimony on the material details of the rape. We note, too, that AAA's testimony was corroborated by physical evidence.

Similarly, the appellant's imputation that another person might have committed the crime was not supported by the evidence on record. What is clear is AAA's unwavering identification of the appellant as the perpetrator of the rape. In addition, AAA denied that a person known as "Pogi" was her rapist. She also explained that the notion that one "Pogi" raped her was merely concocted by the mother of the minor co-accused.

Lastly, it is a settled rule that the defense of alibi cannot prevail over the positive identification of the accused by a credible witness.[14] Under the circumstances, the alibi of the appellant is weak. The alibi was not corroborated; it also failed to satisfy the requirement of physical impossibility and the lack of facility to access the two places.[15] The records, in this regard, show that the place of the wake of the appellant's grandfather and the place of the rape were located in the same barangay.[16]

Given these considerations, we find that the appellant's guilt has been proven beyond reasonable doubt. Accordingly, we uphold the penalty of reclusion perpetua imposed by the RTC and the CA. We, likewise, uphold the awards by the CA of P50,000.00 as civil indemnity and P50,000.00 as moral damages. However, we modify the CA's decision by additionally awarding to AAA the amount of P30,000.00 as exemplary damages to conform to the prevailing jurisprudence.[17] The award of exemplary damages is justified under the circumstances to serve as a deterrent to serious wrongdoings, to vindicate the undue suffering and wanton invasion of AAA's rights and to punish the highly reprehensible and outrageous conduct of the appellant.[18]

WHEREFORE, premises considered, we DISMISS the appeal and AFFIRM with MODIFICATION the decision dated December 22, 2010 of the Court of Appeals in CA-G.R. CR-H.C. No. 03954. Appellant Julieta Sanchez @ "Ompong" is additionally ordered to pay the private complainant P30,000.00 as exemplary damages.

SO ORDERED.

Carpio, (Chairperson), Perez, Sereno, and Reyes, JJ., concur.

[1] Penned by CA Associate Justice Mariflor P. Punzalan Castillo, and concurred in by CA Associate Justice Josefina Guevara-Salonga and CA Associate Justice Franchito N. Diamante; rollo, pp. 2-22.

[2] Dated April 30, 2008; CA rollo, pp. 43-51.

[3] Penalized under Article 266-A of the Revised Penal Code, as amended.

[4] The names of the private complainant and the members of her immediate family are withheld per Republic Act No. 7610 (Special Protection of Children Against Abuse, Exploitation and Discrimination Act) and Republic Act No. 9262 (Anti-Violence Against Women and Their Children Act of 2004) and pursuant to the Court's ruling in *People v. Cabalquinto*, G.R. No. 167693, September 19, 2006, 502 SCRA 419.

[5] Per order dated April 18, 2007, the RTC dismissed the charges pursuant to the provisions of Section 64 of Republic Act No. 9344 (Juvenile Justice and Welfare Act of 2006).

[6] CA rollo, p. 44.

[7] *Id.* at 50-51.

[8] Rollo, p. 21.

[9] CA rollo, p. 37.

[10] *People of the Philippines v. Conrado Laog y Ramin*, G.R. No. 178321, October 5, 2011.

[11] *Ibid.*

[12] *Ibid.*

[13] *People of the Philippines v. Marcelo Perez*, G.R. No. 191265, September 14, 2011.

[14] *People v. Atadero*, G.R. No. 183455, October 20, 2010, 634 SCRA 327, 345.

[15] *Id.* at 345-346.

[16] Rollo, p. 19.

[17] *People of the Philippines v. Marcelo Perez*, *supra* note 13.

[18] *People v. Alfredo*, G.R. No. 188560, December 15, 2010, 638 SCRA 749, 767-768, citing *People v. Dalisay*, G.R. No. 188106, November 25, 2009, 605 SCRA 807.

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