PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. RONNIE BUAT ALIAS DATU SINSUAT, ACCUSED-APPELLANT.

G.R. No. 206267. March 25, 2015

Ponente: PEREZ, J.

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PEREZ, J.:

Before us for review is the Decision[1] of the Court of Appeals in CA-G.R. CR-HC No. 00305-MIN dated 22 June 2012 which affirmed the Decision[2] of the Regional Trial Court of Pagadian City, Branch 21, in Criminal Case No. 2287 finding appellant Ronnie Buat alias Datu Sinsuat guilty beyond reasonable doubt of the crime of rape.

Appellant was charged with rape in an Information, the accusatory portion of which reads:

> That sometime on the 30[th] day of June 1996 at about 2:00 o'clock dawn, at Pagadian City, Philippines and within the jurisdiction of this Honorable Court, the said accused Ronnie Buat, armed with a knife, by means of violence and intimidation, did then and there willfully, unlawfully and feloniously have carnal knowledge of the complainant [AAA][3] against her will.[4]

On arraignment, appellant entered a "not guilty" plea to the offense charged. Thereafter, the trial court proceeded with the reception of evidence for the prosecution which presented four witnesses, namely: AAA, the victim; BBB, the victim's mother; CCC, the victim's father and Dr. Rowena Tobillo (Dr. Tobillo), the physician who examined AAA. Their testimonies established the following facts:

AAA lives with her parents and some of her siblings in Pagadian City. On 30 June 1996, AAA's eldest and married sister DDD was requested by their parents to sleep in the house because AAA's mother BBB had to attend a wake in Dumaguete City while her father CCC was on night duty working as a security guard. DDD's husband, appellant in this case, also went with DDD.

AAA slept in the sala next to her twin nephews, along with DDD, and appellant. AAA's other siblings slept in another room. At around 2:00 a.m., AAA was awakened by appellant who was half-naked and lying on top of her. AAA tried to talk a loud but appellant suddenly covered her mouth with his right hand. Appellant managed to remove AAA's panties using his left hand while holding a knife threatening to kill AAA should she tell her parents about the act. AAA tried to resist but to no avail. Appellant ordered AAA to spread her legs. Appellant first inserted his two fingers into her vagina before inserting his penis. AAA felt pain. After successfully raping AAA, appellant proceeded to rape his wife DDD. AAA told DDD about what appellant did but DDD ignored her. At around three (3) hours later, appellant and DDD left the house. AAA went to the other room and immediately told one of her younger brothers that she was raped by appellant. When CCC arrived in the morning, AAA likewise told him about the incident.[5]

CCC accompanied AAA on 3 July 1996 to the police station to have it blottered.[6] CCC admitted that he was against his daughter DDD marrying appellant.[7]

BBB testified that she stayed in Dumaguete City for 10 days to attend the funeral and burial service of her brother. She requested DDD to stay in their house while she was away. When she arrived in Pagadian City on 5 July 1996, AAA immediately told her that she was raped by appellant on 30 June 1996. After learning what happened to her daughter, BBB proceeded to the house of appellant and DDD but she did not see them. On 8 July 1996, she took her daughter to the provincial hospital for a medical examination.

Based on the examination conducted by Dr. Rowena Tobillo, the following findings were made:

> HYMEN - HEALED LACERATIONS AT: 3 O'CLOCK POSITION
>
> 6 O'CLOCK POSITION
>
> 7 O'CLOCK POSITION
>
> - ADMITS 2 FINGERS WITH EASE
>
> VAGINA - (-) TENDERNESS, (+) DISCHARGE WHITISH
>
> CERVIX - (-) TENDERNESS[8]

For his defense, appellant denied raping AAA. Instead, he claimed that on 30 June 1996 at around 2:00 a.m., he noticed AAA was lying beside him, inserting her hand inside his brief, and touching his penis. He immediately parried AAA's hands causing his wife DDD to wake up. DDD scolded AAA. Out of shame, appellant left early in the morning.[9] Appellant stated that his wife's parents were against him marrying DDD.[10]

On 2 June 2004, the RTC rendered a decision finding appellant guilty of rape and sentencing him to suffer the penalty of reclusion perpetua. Appellant was further ordered to indemnify AAA the sum of P50,000.00 plus moral damages in the amount of P50,000.00.[11]

The trial court found the testimony of the victim credible and convincing while it took with disfavor appellant's defense of denial, his argument about the delay in reporting the case and the alleged ill motive of AAA's parents against him.

Appellant directly appealed his conviction to this Court. In a Resolution[12] dated 13 July 2005, the Court resolved to transfer the case to the Court of Appeals pursuant to People v. Mateo.[13]

On 22 June 2012, the Court of Appeals rendered the assailed Decision affirming in toto the trial court's decision.

Appellant filed the instant appeal. In a Resolution[14] dated 26 June 2013, the parties were required to simultaneously submit their respective supplemental briefs if they so desired. Both parties manifested that they were adopting their respective briefs filed before the appellate court.[15] Thereafter, the case was deemed submitted for decision.

In his Brief, appellant contends that AAA's account of the alleged rape is riddled with improbabilities and inconsistencies which lead to failure of the prosecution to prove his guilt beyond reasonable doubt.

First, appellant states that it is physically impossible for him to have restrained AAA using his two hands to cover her mouth, hold a knife, remove her panties, and insert his two fingers into her private parts. We reject the submission. We find that it is not implausible for appellant to have physically subdued AAA because these acts were not committed simultaneously, but successively. Appellant initially covered AAA's mouth using his right hand. He then removed her underwear using his left hand while holding a knife. After removing her underwear, he then inserted his two fingers into her private parts.[16]

The Court in People v. Dizon,[17] recounted two cases of rape committed in similar fashion, thus:

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> xxx. When she saw her father naked, she got scared and did not move. Because of her refusal, her father poked a three-cantos knife at her neck and he undressed her by pulling down her skirt and her panty until they were removed from her body. Her father then told her to sit up and when she did, he pulled her t-shirt off her head. She cried and her father threatened to kill her if her cries will be heard by others.
>
> xxx. The accused awakened Mergena upon arriving from a drinking session with his brothers, pointed a knife at her and ordered her to stand up. When she refused to obey, he pulled her up. He removed his short pants, then with a knife still pointed at her, removed her skirt and made her lie down. He removed her panty and his underwear, separated her thighs and inserted his penis into her vagina while fondling her breast. This entire time his left hand was holding the knife.

Second, appellant notes the inconsistency in AAA's testimony that appellant allegedly covered her mouth with his right hand but in her sworn statement, she stated that appellant covered her mouth with his left hand. It has been held that inconsistencies in the victim's testimony do not impair her credibility, especially if the inconsistencies refer to trivial matters that do not alter the essential fact of the commission of rape.[18]

Third, appellant brands as outrageous the claim that after he raped AAA, he also raped his wife DDD. AAA's statement that appellant also raped his wife was based on her observation that DDD was still sleeping when appellant had sexual intercourse with her. In all probability, it might have been consensual because when AAA tried to tell DDD that she was raped by her husband, the latter merely ignored her and even warned her not to tell their parents. Again, whether appellant had intercourse with his wife or not should not detract from the main issue that appellant raped AAA.

Fourth, appellant finds it incredulous that AAA never exerted any physical struggle or made any real resistance against his sexual advances. The Court, in People v. Banig,[19] has held that it is not necessary on the part of the victim to put up a tenacious physical struggle when threats and intimidation are employed and the victim submits herself to the embrace of her rapist because of fear. It was established in this case that appellant was pointing a knife at AAA which impelled her to submit to appellant's lustful desire.

Fifth, appellant points out another inconsistency in AAA's testimony when she narrated that she informed DDD about the rape but she was ignored but in her later testimony, AAA declared that after she was raped, she immediately went to her other siblings to sleep and when she woke up, appellant and DDD were already gone. It was revealed during the cross-examination of AAA that she informed DDD that she was raped by appellant after the latter had sexual intercourse with his wife and before the couple left the house.[20]

AAA testified in a straightforward manner as she vividly recounted her ordeal in the hands of appellant:

> Q:
>
> You said that about 2:00 o'clock dawn of June 30, 1996 there was an unusual incident that took place. Will you tell this Honorable Court what was that unusual incident that took place?
>
> A:
>
> I was raped by him.
>
> Q:
>
> When you said that you were raped by him, whom are you referring to?
>
> A:
>
> Ronnie Buat alias Datu Sinsuat.

Q:

You stated before this court that you were raped, by him. How were you able to know that you were raped by him?

A:

I was able to recognize him because there was a light and it was bright.

Q:

In other words, you wanted to impress before this [c]ourt that you were awakened when he came beside you?

A:

Yes sir, I was awakened.

Q:

When you were awakened, what was the position of Ronnie Buat?

A:

He was lying on top of me.

Q:

You said that Ronnie Buat, when you were awakened, was lying on top of you. Was he naked?

A:

Only his pants was removed.

Q:

How were you able to recognize Ronnie Buat when in fact, it was already 2:00 o'clock dawn?

A:

Because there was a light and there was a clock.

Q:

When Ronnie Buat was already on top of you, what was your reaction?

A:

I was surprised why he was on top of me when in fact, my elder sister was there.

Q:

Did you say anything?

A:

I told him, why are you on top of me when in fact you have your wife?

Q:

Did you say it loudly?

A:

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Yes sir.

Q:

Loud enough to awaken the people beside you?

A:

I [said it] loudly. After that, he covered my mouth.

Q:

With what did he cover your mouth?

A:

His right hand.

Q:

After covering your mouth with his right hand, did he say anything to you?

A:

Yes sir. He told me that I will not say anything to his wife and to my father and mother.

Q:

You said that you were covered by his right hand. Were you able also to observed [sic] his left hand?

A:

He immediately removed my panty with left hand.

Q:

You said that he removed your panty with his left hand. When you went to sleep that night, what were you wearing?

A:

White panty.

Q:

Now, the moment his left hand started removing your panty, what did you do?

A:

I was surprised why he removed my panty and he was holding a knife and he said that "I will kill you, if you will tell your mother and father and other person."

Q:

What hand was holding the knife?

A:

Left hand.

Q:

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Did you not put any resistance knowing that he has particular intention on you?

A:

I tried my best that the incident will not take place.

Q:

Now, Miss Witness, when he tried to remove your panty, did he succeeded in doing the same?

A:

Yes sir.

Q:

He was removing your panty while holding a knife?

A:

Yes sir.

Q:

In his left hand?

A:

Yes sir.

Q:

After removing your panty, what did he do?

A:

I was shocked.

Q:

What did he do to you?

A:

I was raped.

Q:

How was that rape done? In what manner?

A:

After removing my panty, he ordered me to spread my legs and he inserted his 2 fingers unto my private parts and then after that, his penis.

Q:

Was he who ordered you to spread your legs or was he who spread your legs?

A:

He was the one.

Q:

Just a while. Before he spread your legs, you said "usa ko ti-uni gibilangkad ang akong paa".

A:

Yes sir.

Q:

After that, the accused proceeded with the act, am I correct?

A:

Yes sir.

Q:

While he was raping you, was he still holding the knife?

A:

Yes sir. After that he left the house and proceeded to purok Sandayong.

Q:

You said that after inserting his fingers, he immediately inserted his penis. What did you feel in your vagina?

A:

I felt pain.

Q:

How about when he inserted his 2 fingers? How did you feel?

A:

I felt pain.

Q:

When he inserted his 2 fingers to your vagina followed by his penis, was his right hand still covering your mouth?

A:

Yes sir.

Q:

While he was maneuvering that act, what other reactions did you take?

A:

I was shouting and crying because I felt pain.

Q:

You were able to shout despite the fact that your mouth is covered?

A:

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Yes sir.

Q:

And you were crying also?

A:

Yes, after he was able to succeed in raping me.

Q:

Did you say you cried only after he succeeded in raping you?

A:

Yes sir.

Q:

While you were being raped, you did not cry, am I correct?

A:

I was shocked when I was raped.

COURT: Proceed.

Q:

You said that after doing that bastardous act, he left you. Did you push him?

ATTY. ARANAS: Leading.

Q:

What happened after that?

A:

He transferred to my elder sister, his wife.

Q:

What did he do there?

A:

He was doing what he did to me.

COURT: Are you trying to tell the court that he also raped his wife?

A:

Yes sir.

COURT: [How] do you understand rape?

A:

I understand that rape is forcibly having a sexual intercourse.

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COURT: Are you trying to impress this court that he also forcibly have a sexual intercourse with his wife?

A:

Yes sir.

COURT: He forced his wife?

A:

Yes sir because during that night his wife was sleeping.

COURT: Did he use a knife also?

A:

He was not using his knife because he hide it.

Q:

Right after the incident took place of rape you stated before this court, did you sleep again?

A:

I was sleeping back but I did not sleep adjoining them.

Q:

Was that the first time you have a sexual intercourse?

A:

Yes sir.

Q:

What time did you wake up after going to sleep?

A:

At around 5:00 o'clock.

COURT: Did you notice anything in your private parts?

A:

There was blood oozing.

Q:

When you saw that blood was oozing in your vagina, what did you do?

A:

I immediately informed my father in the morning when he arrived.

Q:

About the incident?

A:

Yes sir.

Q:

More or less, what time did you tell your father about the incident when you were raped by Ronnie Buat your brother-in-law?

A:

At about 7:00 o'clock in the morning.

Q:

Where was your sister Evangeline at the time you told your father that Ronnie Buat raped you?

A:

They left our house and they went to purok Sandayong. When my father arrived they were not around.

Q:

How about the twins, where were they?

A:

In our house.

Q:

How old are these twin brothers?

A:

One year.

COURT: How old were you then at the time of the incident?

A:

Running 20.

Q:

When you told your father about the incident, who was with him?

Was he alone when you told him?

A:

With the presence of my younger brothers and sisters.[21]

AAA's testimony was corroborated by the medical findings of Dr. Tobillo showing that she suffered healed lacerations in the hymen days after she was raped.

It bears emphasis that the RTC and the Court of Appeals are unanimous in sustaining the credibility of AAA.

The Court ordinarily puts great weight on the factual findings of the judge who conducted the trial of the case and heard the testimonies of the witnesses themselves. This is especially true in rape cases where the crime is usually committed in the presence of no other person than the victim and the accused. Compared to appellate magistrates who are merely faced with the cold and inanimate pages of the transcript of records brought before them, the trial

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judge comes face to face with the rape victim herself on the witness stand. He personally observes her conduct and demeanor while responding to the questions propounded by the prosecutor on direct examination as well as those from the defense counsel on cross examination. Moreover, it is also the trial judge who has the chance to pose clarificatory questions to the victim. Thus, when the trial judge makes his findings as to the issue of credibility, such findings bear great weight upon the appellate court.[22]

We find no cogent reason to depart from the findings of the courts below.

Note that rape was committed during the effectivity of the old rape provision, i.e., Article 335 of the Revised Penal Code, which reads:

> Article 335. When and how rape is committed. - Rape is committed by having carnal knowledge of a woman under any of the following circumstances:
>
> 1. By using force or intimidation;
>
> x x x x x x x x x
>
> Whenever the crime of rape is committed with the use of a deadly weapon or by two or more persons, the penalty shall be reclusion perpetua to death.

The trial court correctly applied Article 63 of the Revised Penal Code in imposing the penalty of reclusion perpetua in this case. Article 63 provides:

> Art. 63. Rules for the application of indivisible penalties. - x x x. In all cases in which the law prescribes the penalty composed of two indivisible penalties the following rules shall be observed in the application thereof:
>
> x x x x x x x x x
>
> 2. When there are neither mitigating nor aggravating circumstances in the commission of the deed, the lesser penalty shall be applied.

Absent any aggravating or mitigating circumstance in this case, the imposition of reclusion perpetua as penalty is proper.

Finally, we award exemplary damages in the amount of P30,000.00. The award of exemplary damages is justified under Article 2229 of the Civil Code to set a public example or correction for the public good.[23] In conformance with the prevailing jurisprudence,[24] we, increase the award of civil indemnity and moral damages to P50,000.00 each. We likewise impose an interest of six percent (6%) per annum on all the damages awarded, to be computed from the date of the finality of this Decision until fully paid.

WHEREFORE, the Court of Appeals' Decision dated 22 June 2012 finding appellant Ronnie Buat alias Datu Sinsuat guilty beyond reasonable doubt of rape and sentencing him to reclusion perpetua is AFFIRMED with the MODIFICATION in that appellant is ordered to pay the victim the amount of P50,000.00 as civil indemnity, P50,000.00 as moral damages and P30,000.00 as exemplary damages. The award of damages shall earn interest at the rate of 6% per annum from the date of finality of this Decision until fully paid.

SO ORDERED.

Sereno, C.J., (Chairperson), Leonardo De-Castro, Bersamin, and Perlas-Bernabe, JJ., concur.

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[1] Rollo, pp. 3-17; Penned by Associate Justice Edgardo A. Camello with Associate Justices Edgardo T. Lloren and Marilyn B. Lagura-Yap concurring.

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[2] CA rollo, pp. 23-28; Presided by Judge Rolando L. Goan.

[3] The victim's real name is withheld pursuant to Sec. 29 of R.A. No. 7610, Sec. 44 of R.A. No. 9262 and Sec. 40 of A.M. No. 04-10-11-SC. See People v. Cabalquinto, 533 Phil. 703 (2006). Consequently, the real names of AAA's immediate relatives shall likewise be withheld.

[4] Records, p. 1.

[5] TSN, 9 February 1999, pp. 10-18.

[6] TSN, 6 March 2000, p. 6.

[7] Id. at 8.

[8] Prosecution's Documentary Evidence (Annex "C"), p. 8.

[9] TSN, 10 December 2001, pp. 13-15.

[10] Id. at 4.

[11] CA rollo, p. 28.

[12] CA rollo, p. 31.

[13] 477 Phil. 752 (2004).

[14] Rollo, p. 22.

[15] Id. at 24, 27.

[16] TSN, 9 February 1999, pp. 11-14.

[17] 420 Phil. 447, 459 (2001) citing People v. Caballes, 276 Phil. 158, 162 (1991) and People v. Leoterio, 332 Phil. 668, 671-672 (1996).

[18] People v. Mangune, 685 Phil. 578, 589 (2012) citing People v. Dion, G.R. No. 181035, 4 July 2011, 653 SCRA 117, 133.

[19] G.R. No. 177137, 23 August 2012, 679 SCRA 133, 146-147 citing People v. Corpuz, G.R. No. 175836, 30 January 2009, 577 SCRA 465, 473.

[20] TSN, 9 February 1999, pp. 31-32.

[21] TSN, 9 February 1999, pp. 10-18.

[22] People v. Rayles, 555 Phil. 377, 384-385 (2007).

[23] People v. Delabajan, G.R. No. 192180, 21 March 2012, 668 SCRA 859, 868.

[24] People v. Court of Appeals, Raymund Carampatana, et. al., G.R. No. 183652, 25 February 2015.

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