



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff-Appellee,

G.R. No. 199264

Present:

- versus -

SERENO, *CJ.*,
Chairperson,
LEONARDO-DE CASTRO,
BERSAMIN,
VILLARAMA, JR., and
REYES, *JJ.*

NOEL T. LAURINO,
Accused-Appellant.

Promulgated:

24 OCT 2012

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RESOLUTION

REYES, J.:

This is an appeal filed by accused-appellant Noel T. Laurino (Laurino) from the Decision¹ dated August 18, 2011 of the Court of Appeals (CA) in CA-G.R. CR-HC No. 00786-MIN. The CA Decision affirmed the Decision² dated August 28, 2009 of the Regional Trial Court (RTC), Initao, Misamis Oriental, Branch 44 finding Laurino guilty beyond reasonable doubt of two (2) counts of qualified rape.

¹ Penned by Associate Justice Rodrigo F. Lim, Jr., with Associate Justices Pamela Ann Abella Maxino and Zenaida T. Galapate-Laguilles, concurring; *rollo*, pp. 3-17.

² Under the sala of Presiding Judge Dennis Z. Alcantar; *CA rollo*, pp. 32-44.

Factual Background

Laurino was accused of raping his niece, AAA,³ then a 17-year old minor, in two (2) separate informations filed with the RTC. When arraigned, he entered a plea of “not guilty.” After pre-trial, trial on the merits ensued.

The pertinent facts, as narrated by the RTC in its Decision dated August 28, 2009, are as follows:

Accused is the uncle of AAA. His half-sister, BBB, is AAA’s mother. Sometime in December 2001, accused stayed in the house of AAA’s family in Buhanginan Hills, Iligan City.

On *May 2, 2002*, AAA and CCC – AAA’s younger sister, went to Jampason, Initao, Misamis Oriental to assist in the harvesting of coconuts in a parcel of land, owned by a certain Evangeline Seno. Accused was also in Jampason, Initao to tend to the harvesting of the coconuts, which was done on a quarterly basis.

On May 11, 2002, on or about 1:00 o’clock in the afternoon, while AAA and CC[C] were inside the hut beside the coco drier, accused suddenly appeared and directed CCC, who had a toothache at that time, to go upstairs. As soon as CCC was out of sight, accused grabbed AAA and fiercely kissed her on the lips. AAA resisted his advances by saying “ayaw lagi, kol” but accused was not deterred. He made AAA lie down. Placing his knife beside AAA, he removed AAA’s short pants and panty. AAA pleaded with him to stop but her pleas fell on deaf ears. Accused positioned himself on top of AAA, parted her legs and inserted his penis inside her vagina. AAA cried but accused just laughed and uttered “moning angay sa imo”. He warned AAA not to tell anybody.

The second incident took place on the same day, May 11, 2002, at around 10:00 o’clock in the evening. While AAA and CCC were sleeping in one of the rooms, accused entered their room and grabbed her left arm. Again, AAA pleaded with accused but accused just told her, “hilon (sic) diha”, meaning that AAA should stay quiet. He covered her mouth with his hand, after which, AAA felt something sharp poked [sic] her side. Accused was armed with a knife. He removed her short pants and panty. Then, he inserted his penis inside her vagina. Abused and feeling so helpless, AAA cried.

After the harrowing ordeal, she kept mum about the incident, as she was threatened by the accused.

³ Under Republic Act No. 9262, also known as the “Anti-Violence Against Women and their Children Act of 2004”, and its implementing rules, the real name of the victim and those of her immediate family members are withheld; fictitious initials are instead used to protect the victim’s identity.

On *October 4, 2002*, BBB, AAA's mother, discovered what accused did from AAA's classmates, who came to their house and told her that accused, her half-brother, raped AAA.

On *October 7, 2002*, Dr. Cecilio A. Paquit, MD, conducted a physical examination on BBB [sic]. The *Medical Report* shows:

Introitus = easily admits 2 xxx fingers
Hymen = old hymenal laceration noted at 9
o'clock, 3 o'clock and 6 o'clock
position

On the same day, AAA executed an *affidavit* complaint [sic] before the National Bureau of Investigation, Iligan City.

x x x x

Accused, for his part, interposed the defenses of denial and alibi. He admitted that he was in Jampason, Initao on May 11, 2002 but he alleged that between 12:00 o'clock noon to 3:00 o'clock in the afternoon, he was in the cemetery, together with his family, AAA and AAA'[s] family and that at 7:00 pm of the same day till 5:00 am of the next day (May 12, 2002), he went fishing with Baltazar Lacno.

Accused further testified that the reason why he was falsely charged of rape is [sic] because BBB, AAA's mother and his half-sister, wanted to exclusively tend the land that they were both tending.⁴ (Citations omitted and italics supplied)

The Decision of the RTC

On August 28, 2009, the RTC convicted Laurino of two (2) counts of rape, qualified by the minority of AAA and her relationship to him. The trial court explained that the clear, detailed and spontaneous testimony of AAA had established that Laurino succeeded in having carnal knowledge of AAA, after employing force and intimidation against her. Any minor inconsistencies in AAA's testimony as to the time and place of the crime's commission did not render her statements unreliable. For the court, such inconsistencies in fact "tend to reinforce rather than impair her credibility for [these] evince that her testimony was not rehearsed."⁵ Furthermore, since time is not an element of the crime of rape, any discrepancy, granting that there was any, in her testimony on the time of its commission was inconsequential to Laurino's culpability.

⁴ CA *rollo*, pp. 33-35.

⁵ Id. at 38.

The RTC brushed aside Laurino's denial and *alibi*. *Firstly*, it found no ill-motive on the part of AAA which would have impelled her to falsely testify against her uncle. The court rejected Laurino's claim that he was falsely charged only because BBB wanted to exclusively tend the land that they were both tending. It took note of the testimony of Laurino's mother that BBB in fact did not harvest the produce of said land, even after Laurino had been sent to prison. *Secondly*, Laurino failed to establish that he was in some other place, or that it was physically impossible for him to be anywhere within the vicinity of the crime scene, at the time that the rape was committed.

The dispositive portion of the RTC's decision then reads:

WHEREFORE, premises considered[,] accused Noel T. Laurino is found guilty beyond reasonable doubt of two counts of qualified rape and is sentenced to suffer the penalty of *reclusion perpetua*, without eligibility for parole. He is hereby ordered to pay private complainant, for each count of rape, civil indemnity of Php 75,000.00, moral damages of Php 75,000.00, and exemplary damages of Php 25,000.00.

SO ORDERED.⁶

Feeling aggrieved, Laurino appealed to the CA.

The Decision of the CA

On August 18, 2011, the CA rendered its Decision affirming *in toto* the RTC's decision. The CA found AAA's testimony credible as it clearly showed how Laurino employed force and intimidation against AAA, even threatening her with a knife each time that he committed the rape. These were heightened by Laurino's moral ascendancy for being an uncle of the victim.

⁶

Id. at 44.

The CA agreed with the RTC's observation that Laurino failed to show the physical impossibility for him to be at or near the crime scene during the time when the two incidents of rape were committed. On the contrary, Laurino claimed to be then just a few kilometers away from the scene. The CA then rejected the defense of *alibi*, and emphasized that denial, like *alibi*, is an inherently weak and unreliable defense that could easily be fabricated.⁷

Hence, this appeal.

This Court's Ruling

We dismiss the appeal.

The Court finds no cogent reason to disturb the RTC's factual findings, as affirmed by the CA. It is doctrinally settled that factual findings of the trial court, especially on the credibility of the rape victim, are accorded great weight and respect and will not be disturbed on appeal.⁸ More importantly, the Court's own assessment of the case records indicates no reversible error committed by the lower courts. AAA's testimony that she was ravished by her uncle on May 11, 2002, at around 1:00 in the afternoon and 10:00 in the evening, is worthy of belief as it was clear, consistent and spontaneously given. There is no compelling reason to disbelieve AAA's declaration that Laurino employed force and intimidation against her, as she was even threatened with a knife to keep her silent while being raped. Laurino also grabbed AAA by the left arm, and while she, then only 17 years of age, tried to resist her uncle's sexual aggression, Laurino answered, "*Hilom diha*", directing her to remain silent. AAA had positively identified Laurino as her rapist, given that he was an uncle and she was familiar with him.⁹

⁷ Rollo, p. 16.

⁸ *People v. Ramos*, G.R. No. 198017, June 13, 2012.

⁹ Rollo, p. 12.

Any minor inconsistencies in AAA's testimony do not warrant Laurino's acquittal. Discrepancies referring only to minor details and collateral matters – not to the central fact of the crime – do not affect the veracity or detract from the essential credibility of witnesses' declarations, as long as these are coherent and intrinsically believable on the whole. For a discrepancy or inconsistency in the testimony of a witness to serve as a basis for acquittal, it must establish beyond doubt the innocence of the appellant for the crime charged. It cannot be overemphasized that the credibility of a rape victim is not diminished, let alone impaired, by minor inconsistencies in her testimony.¹⁰ AAA's statements were also not rendered implausible by her claim that CCC saw her being raped by their uncle. Time and again, we have ruled that lust is no respecter of time and place. Neither the crampedness of the room, nor the presence of other people therein, nor the high risk of being caught, has been held sufficient and effective obstacle to deter the commission of rape.¹¹

We also uphold the rulings of the RTC and the CA that Laurino's defense of *alibi* deserves scant consideration. *Alibi* is an inherently weak defense because it is easy to fabricate and highly unreliable. To merit approbation, the appellant must adduce clear and convincing evidence that he was in a place other than the *situs criminis* at the time when the crime was committed, such that it was physically impossible for him to have been at the scene of the crime when it was committed.¹² In this case, Laurino failed to prove that it was physically impossible for him to be at the crime scene on May 11, 2002. Both the RTC and the CA even observed that Laurino claimed to be then merely two (2) to five (5) kilometers away from the crime scene.

At any rate, settled is the rule that *alibi* and denial cannot prevail over the positive and categorical testimony and identification of an accused by the

¹⁰ *People v. Tubat*, G.R. No. 183093, February 1, 2012, 664 SCRA 712, 719-720, citing *People v. Laog*, G.R. No. 178321, October 5, 2011, 658 SCRA 654, 671.

¹¹ *People v. Rellota*, G.R. No. 168103, August 3, 2010, 626 SCRA 422, 433.

¹² *People v. Arpon*, G.R. No. 183563, December 14, 2011, 662 SCRA 506, 529, citing *People v. Tabio*, G.R. No. 179477, February 6, 2008, 544 SCRA 156, 166.

complainant.¹³ We thus ruled in *People v. Agcanas*:¹⁴

Positive identification where categorical and consistent and without any showing of ill motive on the part of the eyewitness testifying on the matter prevails over a denial which, if not substantiated by clear and convincing evidence is negative and self-serving evidence undeserving of weight in law. They cannot be given greater evidentiary value over the testimony of credible witnesses who testify on affirmative matters.¹⁵

Given the foregoing, the CA correctly affirmed Laurino's conviction for two (2) counts of qualified rape. Both the minority of the victim and her relationship to her offender were sufficiently alleged in the information and proved by the prosecution. Such offense is punishable by death under Article 266-B of the Revised Penal Code, but the trial court correctly imposed the penalty of *reclusion perpetua*, without eligibility for parole, in view of the provisions of Republic Act No. 9346 that prohibit the imposition of death penalty. However, considering that Laurino was found guilty of two (2) counts of qualified rape, the trial court should have indicated that the corresponding penalty of *reclusion perpetua* should be for each of the two (2) counts of rape.

As to the judgment on civil liabilities, the trial court correctly awarded in favor of AAA civil indemnity of ₱75,000.00 and moral damages of ₱75,000.00 for each count of rape. However, to conform to prevailing jurisprudence,¹⁶ the award of exemplary damages is increased to ₱30,000.00 for each count of rape.

WHEREFORE, the Decision dated August 18, 2011 of the Court of Appeals in CA-G.R. CR-HC No. 00786-MIN is **AFFIRMED** with **MODIFICATION** in that (a) the accused-appellant Noel T. Laurino is sentenced to suffer the penalty of *reclusion perpetua*, without eligibility for parole, for each of the two (2) counts of qualified rape, and (b) the award of

¹³ *People v. Malate*, G.R. No. 185724, June 5, 2009, 588 SCRA 817, 829, citing *People v. Gingos*, G.R. No. 176632, September 11, 2007, 532 SCRA 670, 683.

¹⁴ G.R. No. 174476, October 11, 2011, 658 SCRA 842.

¹⁵ *Id.* at 847, citing *People v. Caisip*, 352 Phil. 1058, 1065 (1998).


¹⁶ *People v. Dollano, Jr.*, G.R. No. 188851, October 19, 2011, 659 SCRA 740, 755.

exemplary damages is increased to ₱30,000.00. The accused is also ordered to pay legal interest on all damages awarded at the legal rate of 12% *per annum* from the date of finality of this Decision.

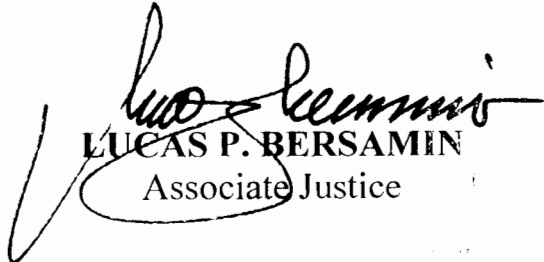
SO ORDERED.


BIENVENIDO L. REYES
Associate Justice

WE CONCUR:


MARIA LOURDES P. A. SERENO
Chief Justice
Chairperson

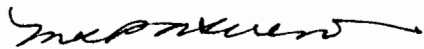
TERESITA J. LEONARDO-DE CASTRO
Associate Justice


LUCAS P. BERSAMIN
Associate Justice


MARTIN S. VILLARAMA, JR.
Associate Justice

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, I certify that the conclusions in the above Resolution had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.


MARIA LOURDES P. A. SERENO
Chief Justice