



Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff-Appellee,

G.R. No. 190863

Present:

- versus -

CARPIO, *Chairperson,*
BRION,
DEL CASTILLO,
MENDOZA, *and*
LEONEN, *JJ.*

RAUL SATO,
Accused-Appellant.

Promulgated:

NOV 19 2014 *HM Cabalag/Inflecto*

x ----- x

RESOLUTION

DEL CASTILLO, *J.:*

Assailed in this appeal is the March 13, 2009 Decision¹ of the Court of Appeals (CA) in CA-G.R. CEB-CR-H.C. No. 00481 affirming with modifications the July 3, 2006 Judgment² of the Regional Trial Court (RTC), Branch 14, Cebu City in Criminal Case No. CBU-70799. The RTC found appellant Raul Sato (appellant) guilty beyond reasonable doubt of the crime of statutory rape committed against “AAA”³ as described in an Information,⁴ the pertinent portion of which reads:

That sometime in the afternoon of the 10th day of September, 2004, at x x x, Province of Cebu, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, with lewd design and by means of force, violence and intimidation, did then and there willfully, unlawfully and feloniously have carnal knowledge [of] “AAA” a 9-year old girl, against her will.

¹ CA rollo, pp. 96-111; penned by Associate Justice Franchito N. Diamante and concurred in by Associate Justices Priscilla J. Baltazar-Padilla and Edgardo L. Delos Santos.

² Records, pp. 56-63; penned by Presiding Judge Raphael B. Yrastorza, Sr.

³ “The real names of the victim and of the members of her immediate family are withheld pursuant to Republic Act No. 7610 (Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act) and Republic Act No. 9262 (Anti-Violence Against Women and Their Children Act of 2004.)” *People v. Teodoro*, G.R. No. 175876, February 20, 2013, 691 SCRA 324, 326.

⁴ Records, p. 1.

CONTRARY TO LAW.⁵

During his arraignment, appellant pleaded “not guilty” to the crime charged. Thereafter, pre-trial and trial ensued.

Version of the Prosecution

On September 10, 2004, then nine-year old⁶ “AAA” and her six-year old cousin “BBB” were invited by the appellant, who was their neighbor, to an abandoned *nipa* hut. Appellant then carried “AAA” while “BBB” walked towards the hut. Upon entering the premises, appellant told “AAA” and “BBB” to undress. When the children complied, appellant started playing with the private parts of “AAA.” He then counted “one, two, three,” inserted his penis into “AAA’s” vagina, and made coital movements that caused “AAA” to feel pain. Thereafter, appellant gave “AAA” ₱5.00 and threatened to kill her and her father with a knife if she tells anyone of the things he did to her. The whole time, “BBB,” who was likewise naked, was just sitting beside “AAA.” Appellant did not molest or touch her. Appellant then carried “AAA” and “BBB” and brought them out of the *nipa* hut through the window. “AAA” reported the incident to her grandmother because her parents were not around at that time.⁷

At the time of the incident, prosecution witness Efren Alcover (Alcover) was near the abandoned *nipa* hut gathering *balani* (banana trunk). When he passed by the hut which had no door, he saw appellant, “AAA” and “BBB” inside. Upon getting closer, he saw all of them naked. “AAA” was lying down while appellant was doing push and pull movements on top of her. Beside “AAA” was “BBB” whom appellant only gazed at. When appellant was done, Alcover saw him give the children money.⁸

On September 11, 2004, “AAA” was physically examined. Her physician found hyperemia or an increase in redness of “AAA’s” hymen.⁹

Version of the Defense

Appellant denied the accusations against him. He testified that at around 4:00 a.m. of September 10, 2004, he went fishing and returned ashore at 3:30 p.m. He cooked some of the fish he caught and shared it with Arsenio Baraquia (Baraquia). They went their separate ways at 4:00 p.m. When he arrived home,

⁵ Id.

⁶ As shown by her Certificate of Live Birth, id. at 9.

⁷ TSN, April 11, 2005, pp. 3-8.

⁸ TSN, April 18, 2005, pp. 2-5.

⁹ TSN, June 27, 2005, pp. 5-8.

he cooked and ate the rest of the fish for dinner. After finishing his meal, he slept throughout the night.¹⁰ This was corroborated by Baraquia.¹¹

Appellant attributed ill motive to “AAA” and her parents in filing the case. He claimed that he would often scold “AAA” for hurting his youngest son. Anent her parents, he averred that he had a confrontation with them before the *barangay*. This was after he threw a stone at their dog which tried to bite him. Accidentally, the stone hit their house instead and this angered “AAA’s” brother.¹²

Ruling of the Regional Trial Court

On July 3, 2006, the RTC rendered its Judgment¹³ finding appellant guilty beyond reasonable doubt of the crime of statutory rape. The trial court gave weight to “AAA’s” categorical, straightforward and spontaneous manner of testifying that she was raped by appellant. On the other hand, it debunked appellant’s defense of denial and alibi. The dispositive portion of the RTC Judgment reads:

WHEREFORE, in view of the foregoing premises, JUDGMENT is rendered finding accused, RAUL SATO, GUILTY beyond reasonable doubt of STATUTORY RAPE pursuant to ART. 266-A of the Revised Penal Code (The Anti-Rape Law of 1997-R.A. 8353) and is sentenced to the indivisible penalty of reclusion perpetua pursuant to the first paragraph of Art. 266-B of the same Law.

Accused is also ordered to pay the victim “AAA”, through her parents the following amounts:

- a.) FIFTY THOUSAND (₱50,000.00) PESOS, for and as his civil liability towards the victim;
- b.) TEN THOUSAND (₱10,000.00) PESOS, for and as moral damages
- c.) FIVE THOUSAND (₱5,000.00) PESOS, for and as exemplary damages.

SO ORDERED.¹⁴

Ruling of the Court of Appeals

Before the CA, appellant averred that the RTC failed to take into consideration the improbabilities in “AAA’s” claim of rape, to wit: (1) he could not have raped “AAA” in the presence of her cousin “BBB;” (2) if he indeed raped “AAA” in “BBB’s” presence, the prosecution should have presented the

¹⁰ TSN, December 5, 2005, pp. 2-4.

¹¹ TSN, April 3, 2006, pp. 3-7.

¹² TSN, December 5, 2005, pp. 4-5, 7-8.

¹³ Records, pp. 56-63.

¹⁴ Id. at 63.

latter as witness to corroborate “AAA’s” testimony; (3) if he was really motivated by his bestial desire, he would have also raped “BBB,” which according to “AAA,” he also ordered to undress; (4) if he indeed raped “AAA,” the medical examination done on her should have indicated the presence of vaginal laceration or any condition suggestive of forceful penile penetration; and, (5) it was unbelievable and inconceivable for prosecution witness Alcover to do nothing to prevent or stop the criminal act if he indeed witnessed the alleged rape of “AAA.” Appellant further averred that the RTC erred in not appreciating his defense of alibi that he was at the seashore at the time of rape since it was corroborated by Baraquia.¹⁵

In its Decision¹⁶ dated March 13, 2009, the CA held that it was neither inconceivable for appellant to have raped “AAA” in the presence of “BBB” nor unbelievable for him to undress both “AAA” and “BBB” but rape only “AAA.” It has been held that rape is no respecter of time and place. Also, a child molester’s mind could never be truly fathomed. Besides, the whole incident had been narrated by “AAA” in a clear, candid and straightforward manner and corroborated in its essential points by Alcover’s testimony.

With respect to the result of the medical examination, the CA explained that the lack of lacerations in “AAA’s” vagina does not negate sexual intercourse. It explained that penetration of the penis through the lips of vagina, even without rupture or laceration of the hymen, is enough to justify a conviction for rape.

The CA likewise debunked appellant’s argument that Alcover should have rescued “AAA” if he indeed saw her being molested by appellant. The appellate court emphasized that different people react differently to a given situation and there is no standard form of behavioral response when one is confronted with a strange or startling experience. Moreover, there is no reason to doubt Alcover’s testimony as no evil or dubious motive could be imputed against him to falsely testify against appellant.

Neither did the CA give credence to appellant’s allegation that the complaint against him was merely lodged because “AAA’s” parents harbored ill feelings against him due to their previous confrontation in the *barangay*. To the CA, it is inconceivable for “AAA’s” parents to drag their nine-year old daughter into a rape scandal with all its attendant humiliation although said incident did not happen.

In view of these, the CA affirmed appellant’s conviction but modified the award of damages, *viz:*

¹⁵ See Brief for the Accused-Appellant, CA *rollo*, pp. 43-52.

¹⁶ Id. at 96-111.

WHEREFORE, the decision of the Regional Trial Court, Branch 14, of Cebu City in Crim. Case No. CBU-70799, dated July 3, 2006 finding accused-appellant RAUL SATO guilty beyond reasonable doubt of STATUTORY RAPE pursuant to Article 266-A of the Revised Penal Code (The Anti-Rape Law of 1997 R.A. 8353) and sentencing him to suffer the penalty of Reclusion Perpetua is hereby AFFIRMED with the following MODIFICATIONS:

1. the moral damages is increased to Fifty Thousand Pesos (Php50,000.00);

2. the Five Thousand Pesos (Php5,000.00) awarded as exemplary damages is hereby deleted for lack of basis;

3. the award of Fifty Thousand Pesos (Php50,000.00) as civil indemnity is however retained.

SO ORDERED.¹⁷

Hence, this appeal where appellant adopted as his Supplemental Brief the Appellant's Brief he filed before the CA.¹⁸

Our Ruling

The appeal lacks merit.

To support his bid for acquittal, appellant banks on the alleged improbabilities of "AAA's" claim of rape. However, the Court finds that the said improbabilities have all been amply discussed and correctly passed upon by the CA in its assailed Decision such that it is not minded to discuss them all over again. Besides, the improbabilities pointed out by appellant are inconsequential matters that do not bear upon the elements of the crime of rape. As such, they cannot be used as grounds for his acquittal.¹⁹

What is clear in this case is that the nine-year old victim, "AAA," candidly and spontaneously testified that she was raped by appellant. "Testimonies of child-victims are normally given full weight and credit, since when a girl, particularly if she is a minor, says that she has been raped, she says in effect all that is necessary to show that rape has in fact been committed. When the offended party is of tender age and immature, courts are inclined to give credit to her account of what transpired, considering not only her relative vulnerability but also the shame to which she would be exposed if the matter to which she testified is not true. Youth and immaturity are generally badges of truth and sincerity. Considering her tender age, "AAA" could not have invented a horrible story."²⁰ "And although "AAA's" testimony was already convincing proof, by itself, of

¹⁷ Id. at 109-110.

¹⁸ See appellant's Manifestation and Motion, *rollo*, pp. 25-28.

¹⁹ *People v. Barcela*, G.R. No. 179948, December 8, 2010, 637 SCRA 599, 611.

²⁰ *People v. Piosang*, G.R. No. 200329, June 5, 2013, 697 SCRA 587, 595.

[appellant's] guilt, it was further corroborated by the testimony of [Alcover], who personally witnessed the rape. x x x"²¹

On the other hand, all that appellant put forward for his defense was mere denial and the alibi that at the time of the incident, he went fishing, was back ashore in the afternoon, cooked some fish, went home and slept throughout the night. "As this Court has oft pronounced, both denial and alibi are inherently weak defenses which cannot prevail over the positive and credible testimonies of the prosecution witnesses that [appellant] committed the crime. For alibi to prosper, the requirements of time and place must be strictly met. It is not enough to prove that [appellant was] somewhere else when the crime happened. [He] must also demonstrate by clear and convincing evidence that it was physically impossible for [him] to have been at the scene of the crime at the approximate time of its commission. Unless substantiated by clear and convincing proof, such defense is negative, self-serving, and undeserving of any weight in law."²² Obviously, the physical impossibility is not present in this case. Appellant did not present any proof that it was physically impossible for him to be at the *locus criminis* at the time of the incident.

In the same vein, appellant's denial is inherently weak and "constitutes self-serving negative evidence, which cannot be accorded greater evidentiary weight than the declaration of credible witnesses who testify on affirmative matters."²³

In view of the foregoing, the Court finds no reversible error on the part of the RTC and the CA in finding appellant guilty of the crime of statutory rape and in imposing upon him the penalty of *reclusion perpetua*. The said penalty must, however, be qualified to be without eligibility for parole.²⁴

Anent the award of civil indemnity, the same must be increased to ₱75,000.00 in accordance with the current policy of the Court. The award of moral damages in the amount of ₱50,000.00 is proper. In addition, appellant is ordered to pay ₱30,000.00 as exemplary damages "which is justified under Article 2229 of the Civil Code to set a public example or correction for the public good."²⁵

Finally, all the damages awarded shall earn interest at the rate of 6% *per annum* from the date of finality of this judgment until fully paid.²⁶

²¹ Id. at 596.

²² *People v. Nelmida*, G.R. No. 184500, September 11, 2012, 680 SCRA 386, 421.

²³ Id.

²⁴ Pursuant to Section 3 of Republic Act No. 9346 (An Act Prohibiting the Imposition of Death Penalty in the Philippines) which states that persons convicted of offenses punished with *reclusion perpetua*, or whose sentence will be reduced by *reclusion perpetua* by reason of [the] Act, shall not be eligible for parole under Act No. 4180, otherwise known as the Indeterminate Sentence Law, as amended.

²⁵ *People v. Frias*, G.R. No. 203068, September 18, 2013, 706 SCRA 158, 168.

²⁶ Id.

WHEREFORE, the assailed March 13, 2009 Decision of the Court of Appeals in CA-G.R. CEB-CR-H.C. No. 00481 is **AFFIRMED with the MODIFICATIONS** that appellant Raul Sato is sentenced to *reclusion perpetua* without eligibility for parole; the award of civil indemnity is increased to ₱75,000.00; appellant is further ordered to pay “AAA” exemplary damages in the amount of ₱30,000.00; and all damages awarded shall earn interest at 6% *per annum* from the date of finality of this judgment until fully paid.

SO ORDERED.


MARIANO C. DEL CASTILLO
Associate Justice

WE CONCUR:


ANTONIO T. CARPIO
Associate Justice
Chairperson


ARTURO D. BRION
Associate Justice


JOSE CATRAL MENDOZA
Associate Justice


MARVIC M.V.F. LEONEN
Associate Justice

ATTESTATION

I attest 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.

**ANTONIO T. CARPIO***Associate Justice**Chairperson***CERTIFICATION**

Pursuant to Section 13, Article VIII of the Constitution and the Division Chairperson's Attestation, 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*