



Republic of the Philippines  
Supreme Court  
Manila

FIRST DIVISION

PEOPLE OF THE PHILIPPINES, G.R. No. 246975

Plaintiff-Appellee, Present:

GESMUNDO, C.J., Chairperson,  
CAGUIOA,  
INTING,  
GAERLAN, and  
DIMAAMPAO, JJ.

- versus -

Promulgated:

XYZ,\*

Accused-Appellant.

MAR 23 2022

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DECISION

INTING, J.:

Before the Court is an ordinary appeal<sup>1</sup> assailing the Decision<sup>2</sup> dated June 29, 2018 of the Court of Appeals (CA) in CA-G.R. CR-HC No. 09423. The CA affirmed with modification the Decision<sup>3</sup> dated May 9, 2017 of Branch 9, Regional Trial Court (RTC), [REDACTED], Bulacan

\* The identity of the victim or any information to establish or compromise her identity, as well as those of her immediate family or household members, shall be withheld pursuant to Republic Act No. (RA) 7610, "An Act Providing for Stronger Deterrence and Special Protection against Child Abuse, Exploitation and Discrimination, and for Other Purposes;" RA 9262, "An Act Defining Violence against Women and Their Children, Providing for Protective Measures for Victims, Prescribing Penalties Therefor, and for Other Purposes;" Section 40 of A.M. No. 04-10-11-SC, known as the "Rule on Violence against Women and Their Children," effective November 15, 2004; *People v. Cabalquinto*, 533 Phil. 703 (2006); and Amended Administrative Circular No. 83-2015 dated September 5, 2017, Subject: Protocols and Procedures in the Promulgation, Publication, and Posting on the Websites of Decisions, Final Resolutions, and Final Orders Using Fictitious Names/Personal Circumstances.

<sup>1</sup> See Notice of Appeal dated July 24, 2018, *rollo*, pp. 15-16.

<sup>2</sup> *Id.* at 3-14; penned by Associate Justice Mario V. Lopez (now a Member of the Court) with Associate Justices Victoria Isabel A. Paredes and Marie Christine Azcarraga-Jacob, concurring.

<sup>3</sup> *CA rollo*, pp. 43-57; penned by Judge Veronica A. Vicente-De Guzman.

in Criminal Case No. 616-M-2014 that found XYZ (accused-appellant) guilty beyond reasonable doubt of the crime of Rape under paragraph 1(a), Article 266-A of the Revised Penal Code (RPC), as amended by Republic Act No. (RA) 8353.<sup>4</sup> The RTC acquitted accused-appellant of the charges in Criminal Case Nos. 617-M-2014 and 618-M-2014.

### *The Antecedents*

The case stemmed from three separate Informations<sup>5</sup> which charged accused-appellant with three counts of Rape as follows:

#### Criminal Case No. 616-M-2014

“That on or about the 23<sup>rd</sup> day of December, 2013, in the [REDACTED], Province of Bulacan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with lewd designs and with force, violence and intimidation, did then and there willfully, unlawfully and feloniously, have carnal knowledge with one AAA, a fifteen (15) year old minor, against her will and without her consent, which debased, degraded and demeaned her intrinsic worth and dignity as a human being.

Contrary to law.”<sup>6</sup>

#### Criminal Case No. 617-M-2014

“That on or about the 3<sup>rd</sup> day of January, 2014, in the [REDACTED], Province of Bulacan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with lewd designs and with force, violence and intimidation, did then and there willfully, unlawfully, and feloniously commit sexual assault by inserting his finger to the vagina of one AAA, a fifteen (15) year old minor, against her will and without her consent, which debased, degraded and demeaned her intrinsic worth and dignity as a human being.

Contrary to law.”<sup>7</sup>

#### Criminal Case No. 618-M-2014

“That on or about the 16<sup>th</sup> day of January, 2014, in the

<sup>4</sup> The Anti-Rape Law of 1997, approved on September 30, 1997.

<sup>5</sup> *CA rollo*, pp. 43-44.

<sup>6</sup> As culled from the Decision dated May 9, 2017 of the Regional Trial Court; *id.*

<sup>7</sup> *Id.* at 44.

██████████, Province of Bulacan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with lewd designs and with force, violence and intimidation, did then and there willfully, unlawfully, and feloniously commit sexual assault by inserting his finger to the vagina of one AAA, a fifteen (15) year old minor, against her will and without her consent, which debased, degraded and demeaned her intrinsic worth and dignity as a human being.

Contrary to law.”<sup>8</sup>

Upon arraignment, accused-appellant pleaded not guilty to the crimes charged.<sup>9</sup>

Trial ensued.

#### *Version of the Prosecution*

The prosecution established that around 12:00 p.m. on December 23, 2013, AAA arrived early from school when accused-appellant, who is the common-law husband of her sister, asked her to get a *sando* from her sister’s bedroom. Once AAA was inside the bedroom, accused-appellant, who was only wearing *tapis*, held her shoulders and forced her to lie down. Accused-appellant then lifted AAA’s skirt, pulled down her panties, and inserted his penis into her vagina. AAA felt pain. She struggled and tried to push him but to no avail. Thereafter, accused-appellant readily put on his *tapis*. He threatened her not to tell her sister and her mother, otherwise, he will evict them from the house. Accused-appellant then left AAA.<sup>10</sup>

On January 3, 2014 at around 7:00 a.m., AAA was sleeping in her bedroom when accused-appellant suddenly lay down beside her, placed his hand inside her shorts, and inserted his finger into her vagina. AAA pulled his hands away from her shorts, but accused-appellant refused to remove them. Thereafter, before leaving the room, accused-appellant threatened her not to tell her sister and mother.<sup>11</sup>

A similar incident happened on January 16, 2014. Around 5:00

<sup>8</sup> *Id.*

<sup>9</sup> *Rollo*, p. 4.

<sup>10</sup> *Id.* at 4-5.

<sup>11</sup> *Id.* at 5.

p.m., when AAA was asleep, accused-appellant suddenly lay down beside her and inserted his finger into her vagina. AAA forcibly removed his hands so that accused-appellant left the bedroom. When AAA's sister and mother arrived, she finally told them the horrible experiences she had with accused-appellant. Upon hearing AAA's complaint, the mother and sister immediately accompanied AAA to the *barangay* hall to file a complaint.<sup>12</sup>

#### *Version of the Defense*

In his defense, accused-appellant denied the charges. He insisted that: (1) on December 23, 2013, around 12:00 p.m., he was with his father and brother mending fishing nets on the boat and stayed there until 6:00 p.m.; (2) on January 3, 2014, he was in the house of his mother arranging the fishing nets; and (3) on January 16, 2014, he was in his house sleeping until 7:30 a.m. He further asserted that AAA made up the complaints because the latter harbored a resentment against him after he told her brother that he saw her meeting with someone in the dark.<sup>13</sup>

#### *The RTC Ruling*

In the Decision<sup>14</sup> dated May 9, 2017, the RTC found accused-appellant guilty beyond reasonable doubt of Rape in Criminal Case No. 616-M-2014. However, the RTC acquitted him in Criminal Case Nos. 617-M-2014 and 618-M-2014 for failure of the prosecution to prove his guilt beyond reasonable doubt.

The dispositive portion of the Decision states:

VIEWED IN THE LIGHT OF THE FOREGOING, judgment is hereby rendered:

1. finding the accused guilty beyond reasonable doubt of the crime Rape penalized under the provisions of Article 266-A, par. 1 of the Revised Penal Code, as amended by R.A. No. 8353 in relation to R.A. 7610 in Criminal Case No. 616-M-2014 and is hereby sentenced to suffer the penalty of Reclusion Perpetua and to pay the private

<sup>12</sup> *Id.*

<sup>13</sup> *Id.* at 5-6.

<sup>14</sup> *CA rollo*, pp. 43-57.

- complainant the amounts of P50,000.00 as civil indemnity, P50,000.00 as moral damages and P50,000.00 as exemplary damages; and
2. acquitting the accused in Criminal Cases Nos. 617-M-2014 and 618-M-2014 of the crimes charged against him for failure of the prosecution to prove his guilt beyond reasonable doubt.

SO ORDERED.<sup>15</sup>

In Criminal Case No. 616-M-2014, the RTC held that the prosecution proved beyond reasonable doubt all the elements of Rape under Article 266-A of the RPC. It gave credence to AAA's testimony as to the incident that transpired on December 23, 2013. According to the RTC, AAA consistently, positively, and categorically identified accused-appellant as her abuser.<sup>16</sup> However, the RTC ruled that the elements of force, violence, and intimidation were wanting with respect to the January 3, 2014 and January 16, 2014 incidents.<sup>17</sup>

#### *The CA Ruling*

In the assailed Decision<sup>18</sup> dated June 29, 2018, the CA denied the appeal and affirmed with modification the RTC Decision; thus:

FOR THESE REASONS, the assailed May 9, 2017 Decision of the trial court is AFFIRMED with modification that the civil indemnity, moral damages and exemplary damages should be increased to P75,000.00 and interest of six percent (6%) per *annum* shall be imposed on all monetary awards from the date of the finality of this decision until fully paid.

SO ORDERED.<sup>19</sup>

Hence, the instant appeal.

Accused-appellant manifested that he is adopting all the arguments raised in his Appellant's Brief.<sup>20</sup> Similarly, the Office of the

<sup>15</sup> *Id.* at 57.

<sup>16</sup> *Id.* at 50-53.

<sup>17</sup> *Id.* at 54-56.

<sup>18</sup> *Rollo*, pp. 3-14.

<sup>19</sup> *Id.*, pp. 13-14.

<sup>20</sup> See Manifestation (In lieu of a Supplemental Brief) dated October 30, 2019, *id.* at 29-31.

Solicitor General (OSG) manifested that plaintiff-appellee will no longer file a supplemental brief and adopts the Brief for the Plaintiff-Appellee which it filed with the CA.<sup>21</sup>

In his Brief for the Accused-Appellant,<sup>22</sup> accused-appellant ascribed error on the part of the RTC for giving credence and weight to AAA's testimony. He argued that AAA's testimony was inconsistent with her *Sinumpaang Salaysay* wherein she stated that accused-appellant was wearing shorts and briefs and that her sister was present in their house at the time of the alleged incident while, in her direct testimony, she testified that accused-appellant was merely wearing *tapis* and that her sister was not present in their house during the incident.<sup>23</sup> Furthermore, accused-appellant questioned AAA's failure to ask for help immediately after the first alleged rape incident.<sup>24</sup> Finally, accused-appellant contended that the absence of evident injury in AAA's genital area as reflected in the medico-legal report showed that no rape was committed.<sup>25</sup>

On the other hand, the OSG countered that accused-appellant's guilt was proven beyond reasonable doubt;<sup>26</sup> and AAA's sole testimony was sufficient for accused-appellant's conviction.<sup>27</sup> As regards the inconsistencies in AAA's testimony, it argued that courts expect minor inconsistencies when a child victim narrates the details of a harrowing experience like rape and accused-appellant's denial should not be given credence for being self-serving.<sup>28</sup>

#### *Issue*

Whether the CA correctly affirmed accused-appellant's conviction for Rape.

#### *Our Ruling*

The appeal is without merit.

<sup>21</sup> See Manifestation In Lieu of Supplemental Brief dated October 3, 2019, *id.* at 25-26.

<sup>22</sup> CA *rollo*, pp. 28-41.

<sup>23</sup> *Id.* at 35-38.

<sup>24</sup> *Id.* at 39.

<sup>25</sup> *Id.* at 38.

<sup>26</sup> *Id.* at 68.

<sup>27</sup> *Id.* at 72.

<sup>28</sup> *Id.* at 72-74.

Well settled is the rule that the matter of ascribing substance to the testimonies of witnesses is best discharged by the trial court, and the appellate courts will not generally disturb the findings of the trial court in this respect.<sup>29</sup> Further, “findings of the trial court which are factual in nature and which involve the credibility of witnesses are accorded respect, if not finality by the appellate court, when no glaring errors, gross misapprehension of facts, and speculative, arbitrary, and unsupported conclusions can be gathered from such findings.”<sup>30</sup> The ratio behind is that “the trial judge is in a better position to ascertain the conflicting testimonies of witnesses after having heard them and observed their deportment and mode of testifying during the trial.”<sup>31</sup>

After a judicious study of the records of the instant appeal, the Court finds no compelling reason to depart from the RTC and the CA’s uniform factual findings. The Court affirms accused-appellant’s conviction for the crime of Rape.

Accused-appellant was indicted for Rape under paragraph 1, Article 266-A, in relation to Article 266-B of the RPC, as amended, which provides as follows:

Art. 265-A. *Rape: When And How Committed.* — Rape is committed —

1) By a man who shall have carnal knowledge of a woman under any of the following circumstances:

- a) Through force, threat, or intimidation;
- b) When the offended party is deprived of reason or otherwise unconscious;
- c) By means of fraudulent machination or grave abuse of authority, and

x x x x

x x x x

Art. 266-B *Penalties.* — Rape under paragraph 1 of the next preceding article shall be punished by *reclusion perpetua*.

<sup>29</sup> *Estrella v. People*, G.R. No. 212942, June 17, 2020.

<sup>30</sup> *Id.*, citing *People v. Aspa*, 838 Phil. 302, 311-312 (2018).

<sup>31</sup> *Id.*, citing *People v. Villamin*, 625 Phil. 698, 713 (2010).

The elements of Rape under paragraph 1(a), Article 266-A of the RPC are: (1) that the offender had carnal knowledge of a woman; and (2) that such act was accomplished through force, threat, or intimidation.<sup>32</sup> From these requisites, it can thus be deduced, that rape is committed the moment the offender has sexual intercourse with a woman by using force or intimidation.<sup>33</sup> The gravamen of the crime of Rape is sexual congress with a woman by force and without consent.<sup>34</sup>

The Court concurs with the findings of the RTC, as affirmed by the CA, that the prosecution was able to establish beyond reasonable doubt the elements of Rape under paragraph 1(a), Article 266-A of the RPC. AAA painstakingly recalled how accused-appellant succeeded in having carnal knowledge of her through force, threat, and intimidation. AAA categorically testified that accused-appellant raped her on December 23, 2013; thus:

x x x x

Q: Ngayon noong ikaw ay sumunod na pumunta sa kwarto nila para kumuha ng sando, ano nangyari doon?

A: Sumunod po siya at bigla niya pong sinarado and pinto.

Q: Noong nandoon ka sa sa loob ng kwarto at sumunod sya at isinarado and pinto nito anong ginawa ni [XYZ] xxx?

A: Pinahiga niya po ako sa papag.

Q: Anong ginawa niya?

A: Pilit niya po akong pinahiga sa papag.

Q: Paano ka niya pinilit na mahiga sa papag?

A: Hinawakan niya po ako sa dalawang braso.

Q: xxx ano pa ang ginawa niya?

A: Dinagananan[sic] nya po ako.

xxx

Q: Noong ikaw ay maihiga na ni alias Barok gamit ang kanyang dalawang kamay pwersahan sa inyong balikat anong sumunod na ginawa niya?

A: Dinaganan po nya ako.

xxx

Q: xxx habang nakadagan sa iyo si Kuya Barok xxx ano ba ang ibang ginawa niya sa iyo?

A: Hinubaran nya po ako.

x x x x

Q: Sabi mo ay ginalaw ka niya paano nya nagawang galawin ka

<sup>32</sup> *People v. CCC*, G.R. No. 231925, November 19, 2018.

<sup>33</sup> See *People v. Aca-ac*, 409 Phil 425, 436 (2001).

<sup>34</sup> *People v. Dimaano*, 506 Phil 630, 648 (2005).



ngayon naka-palda ka naman?

A: Tinaas niya po ang palda ko tapos binaba nya po ang panty ko.

Q: Pagkatapos niya magawang maibaba ang panty mo ano naman ang ginawa niya sa iyo?

A: Pinasok na po niya yung kanyang ari.

xxx

Q: xxx ikaw ba ay lumaban xxx? Nakalaban ka ba?

A: Opo, tinutulak ko po siya ayaw niya pong umalis.

xxx

Q: Anong nararamdaman mo naman ng nagawa niya ang bagay panghahalay sa iyo?

A: Masakit po.<sup>35</sup>

The inconsistencies cited by accused-appellant in AAA's affidavit *vis-à-vis* her court testimony refer to minor or immaterial matters which hardly affect AAA's credibility. The inconsistencies do not touch upon the central fact of the crime of Rape. Whether accused-appellant was wearing shorts, brief, or *tapis* or whether AAA's sister was present in the house at the time of the rape incident are immaterial to the commission of rape. What is material is the fact that accused-appellant forcibly inserted his penis into AAA's vagina.<sup>36</sup>

The Court in *XXX v. People*<sup>37</sup> held that:

[N]either inconsistencies on trivial matters nor innocent lapses affect the credibility of witnesses and the veracity of their declarations." On the contrary, they may even be considered badges of truth on material points in the testimony. The testimonies of witnesses must be considered and calibrated in their entirety and not in truncated portions or isolated passages.<sup>38</sup>

Moreover, "rape is a painful experience which is oftentimes not remembered in detail."<sup>39</sup> While, for some, it is something which causes deep psychological wounds and casts a stigma upon the victim, scarring her psyche for life and which her conscious and subconscious mind would not easily forget, there may be inaccuracies and inconsistencies expected in a rape victim's testimony.<sup>40</sup> Clearly, it is only natural for AAA to forget some details of her traumatic and horrifying experience in the hands of accused-appellant.

<sup>35</sup> *Rollo*, pp. 10-11.

<sup>36</sup> *Id.* at 11.

<sup>37</sup> G.R. No. 242101, September 16, 2019

<sup>38</sup> *Id.*, citing *People v. Villanueva*, 456 Phil. 14, 23 (2003).

<sup>39</sup> *People v. Fetalco*, G.R. No. 241249, July 28, 2020.

<sup>40</sup> See *People v. CCC*, 836 Phil. 133, 141 (2018) and *People v. Agalot*, 826 Phil. 541, 559 (2018).

It must be emphasized that “testimonies of child victims are given full weight and credit, for when a woman or a girl-child says that she has been raped, she says in effect all that is necessary to show that rape was indeed committed.”<sup>41</sup> Youth and immaturity are generally badges of truth and sincerity.<sup>42</sup>

Further, the absence of fresh hymenal laceration or evident injury in AAA’s genitalia<sup>43</sup> does not negate the commission of rape because hymenal laceration is not an element of the crime of rape. The foremost consideration in the prosecution for rape is the victim’s testimony and not the findings of the medico-legal officer.<sup>44</sup> A medical examination of the victim is not indispensable as the victim’s testimony alone, if credible, is sufficient to convict.<sup>45</sup> Undoubtedly, it is immaterial that the medico-legal report shows no fresh injury in AAA’s genitals.

Moreover, delay in revealing the commission of a crime such as rape does not necessarily render such charge unworthy of belief.<sup>46</sup> This is because the victim may choose to keep quiet rather than expose her defilement to the harsh glare of public scrutiny.<sup>47</sup> “Settled is the rule that delay or hesitation in reporting a case of rape due to threats of the assailant is justified and must not be taken against the victim.”<sup>48</sup>

In the case, it is understandable that AAA was afraid to immediately report the incident because of accused-appellant’s threats to evict them (AAA, her sister, and her mother) from the house.<sup>49</sup> Simply stated, AAA was overwhelmed with fear rather than reason.

Finally, the Court reiterates that accused-appellant’s denial and *alibi* cannot prevail over the positive and categorical testimony of

<sup>41</sup> *People v. ABC*, G.R. No. 244835, December 11, 2019, citing *People v. Alberca*, 810 Phil. 896, 906 (2017).

<sup>42</sup> *People v. Deliola*, 794 Phil 194, 208 (2016), citing *People v. Suarez*, 750 Phil 858, 869 (2015).

<sup>43</sup> *Rollo*, p. 12.

<sup>44</sup> *People v. ZZZ*, G.R. No. 229862, June 19, 2019, citing *People v. Araojo*, 616 Phil. 275, 288 (2009).

<sup>45</sup> *Id.*

<sup>46</sup> *People v. YYY*, G.R. No. 234825, September 5, 2018, citing *People v. Buenvinoto*, 735 Phil. 724, 735 (2014).

<sup>47</sup> *Id.*

<sup>48</sup> *People v. XXX*, G.R. No. 235662, July 24, 2019, citing *People v. Lantano*, 566 Phil. 628, 638 (2008).

<sup>49</sup> *CA rollo*, p. 53.

AAA.<sup>50</sup> “Bare assertion of *alibi* and denial cannot prevail over the categorical testimony of a victim.”<sup>51</sup> “Denial, if unsubstantiated by clear and convincing evidence, is a self-serving assertion that deserves no weight in law, as in the case.”<sup>52</sup> Here, accused-appellant merely offered a plain self-serving denial and alibi unsupported by any independent, clear, and convincing evidence.

As for the penalty, the RTC and the CA correctly imposed *reclusion perpetua* against accused-appellant in accordance with paragraph 1(a) of Article 266-A, in relation to Article 266-B of the RPC, as amended by RA 8353.

In *People v. Tulagan*,<sup>53</sup> the Court held that Rape through sexual intercourse of a child who is 12 years of age or below 18 years old (as in the case wherein it was proven that AAA was 15 years old during the commission of rape) should be considered Rape under paragraph 1, Article 266-A in relation to Article 266-B of the RPC which is punishable by *reclusion perpetua*.

Likewise, the awards of ₱75,000.00 as civil indemnity, ₱75,000.00 as moral damages, and ₱75,000.00 as exemplary damages were correctly awarded pursuant to *People v. Jugueta*.<sup>54</sup> The imposition of 6% interest *per annum* on all monetary awards from the finality of the Decision until full payment is likewise proper.<sup>55</sup>

**WHEREFORE**, the appeal is **DENIED**. The Decision dated June 29, 2018 of the Court of Appeals in CA-G.R. CR-HC No. 09423 that found accused-appellant XYZ guilty beyond reasonable doubt of Rape defined and penalized under Articles 266-A and 266-B of the Revised Penal Code, as amended by Republic Act No. 8353, is **AFFIRMED**. Accused-appellant XYZ is sentenced to suffer the penalty of *reclusion perpetua* and is hereby **ORDERED** to pay AAA the following amounts: ₱75,000.00 as civil indemnity, ₱75,000.00 as moral damages, and ₱75,000.00 as exemplary damages. All the damages awarded shall earn interest at the legal rate of 6% *per annum* from the finality of this judgment until fully paid.

<sup>50</sup> *Id.* at 54.

<sup>51</sup> *People v. XXX*, *supra* note 48; see also *People v. Gaduyon*, 720 Phil. 750, 779 (2013).

<sup>52</sup> *Id.*, citing *People v. Molejon*, G.R. No. 208091, April 23, 2018.

<sup>53</sup> G.R. No. 227363, March 12, 2019.

<sup>54</sup> 783 Phil. 806 (2016).

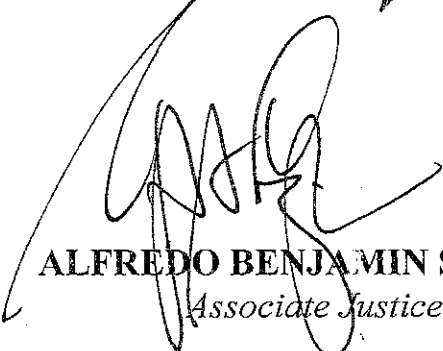
<sup>55</sup> *People v. Briones*, G.R. No. 240217, June 23, 2020.

**SO ORDERED.**

  
**HENRI JEAN PAUL B. INTING**  
*Associate Justice*

WE CONCUR:

  
**ALEXANDER G. GESMUNDO**  
*Chief Justice*  
*Chairperson*

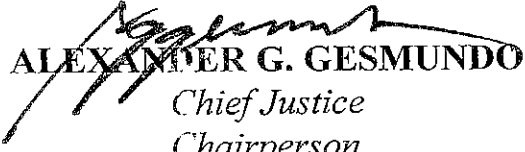
  
**ALFREDO BENJAMIN S. CAGUIOA**  
*Associate Justice*

  
**SAMUEL H. GAERLAN**  
*Associate Justice*

  
**JAPAR B. DIMAAMPAO**  
*Associate Justice*

**CERTIFICATION**

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

  
**ALEXANDER G. GESMUNDO**  
*Chief Justice*  
*Chairperson*