



REPUBLIC OF THE PHILIPPINES  
SUPREME COURT  
Manila

SECOND DIVISION

**NOTICE**

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **04 April 2022** which reads as follows:*

“**G.R. No. 234016** (*People of the Philippines v. XXX*<sup>1</sup>). — This appeal<sup>2</sup> challenges the May 18, 2017 Decision<sup>3</sup> of the Court of Appeals (CA) in CA-G.R. CR-HC No. 08091, which affirmed the October 27, 2015 Decision<sup>4</sup> of the Regional Trial Court (RTC), ██████████,<sup>5</sup> Branch 124, in Criminal Case No. C-84730, finding accused-appellant XXX guilty of the crime of Robbery with Rape.

XXX was accused of Robbery with Rape under Article 266-A of the Revised Penal Code (RPC), in relation to Article 266-B of the RPC.<sup>6</sup> The accusatory portion of the Information reads as follows:

That on or about the 29<sup>th</sup> day of July, 2010, in ██████████, ██████████ and within the jurisdiction of this Honorable Court, the above-named accused, armed with a bladed weapon, with intent to gain, by means of force, threats,

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<sup>1</sup> Initials were used to identify the accused-appellant pursuant to the Supreme Court Amended Administrative Circular No. 83-2015 dated September 5, 2017 entitled “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>2</sup> *Rollo*, pp. 17-18.

<sup>3</sup> *Id.* at 2-16. Penned by Associate Justice Priscilla J. Baltazar-Padilla and concurred in by Presiding Justice Andres B. Reyes, Jr. (both retired Members of the Court) and Associate Justice Myra V. Garcia-Fernandez.

<sup>4</sup> *CA rollo*, pp. 9-27. Penned by Judge Glenda K. Cabello-Marin.

<sup>5</sup> Geographical location is blotted out pursuant to Supreme Court Amended Administrative Circular No. 83-2015.

<sup>6</sup> Records, p. 1.

violence and intimidation employed upon the person of AAA,<sup>7</sup> minor, 17 years old, did then and there wil[l]fully, unlawfully and feloniously, take, rob and carry away, one (1) unit of Nokia cellphone marked Nokia 1200 worth Php 1,500.00 belonging to said AAA, to the damage and prejudice of the minor complainant in the aforementioned amount of Php 1,500.00. [S]aid accused, during and in the course of the crime of robbery, with lewd design, by means of force, threats, violence and intimidation employed x x x, did then and there willfully, unlawfully and feloniously, lie and had carnal knowledge upon said minor complainant against her will and without her consent.

CONTRARY TO LAW.<sup>8</sup>

The pertinent facts of the case, as summarized by lower courts, are as follows:

#### EVIDENCE FOR THE PROSECUTION

The collective evidence of the Prosecution established the following version of the subject incident. Thus:

On July 29, 2010, at around 11:00 in the evening, then seventeen (17) year-old AAA was on her way home coming from her school in x x x. She was late in going home because she was stranded in her school because of heavy rain. AAA would usually ride a passenger jeepney in going home and alight in x x x where she would ride another passenger jeepney to x x x City where her house is located. At the time of the incident, AAA just alighted from a passenger jeepney at x x x and was about to cross the street when she saw a man, who was later identified to be herein accused, [XXX], walking towards her direction. AAA tried to evade the accused but he suddenly approached her, placed his arm over AAA's shoulder, covered her mouth, told her not to shout or else he would kill her (*'Huwag daw po ako sisigaw kundi sasaksakin po niya ako'*) while poking something sharp on the side of AAA's body. The accused took from AAA her wallet containing the change from her jeepney fare and her cellular phone with a value of Php 2,500.00. Then, the accused dragged AAA to the side of the road and towards a nearby vacant lot adjacent to x x x along x x x. At that time[,] AAA was so afraid because the accused smelled of liquor. While at the vacant lot, the accused kissed AAA on the lips and removed all her clothes, including her underwear, leaving AAA completely naked. He told AAA to not make any noise otherwise he would stab her. AAA pleaded to the accused, but to no avail. Then the accused made AAA lie down on the ground, repeatedly kissed her all over her body, and then he inserted his penis into AAA's vagina. Afterwards, the accused told AAA to stand up and when the latter did as she was told[,] the accused inserted his penis inside AAA's mouth. Thereafter, the accused tried to make a conversation with AAA and asked her why she was going home at a late hour. She answered that she was stranded earlier and pleaded for the accused to

<sup>7</sup> "The identity of the victim or any information which could establish or compromise her identity, as well as those of her immediate family or household members, shall be withheld pursuant to Republic Act No. 7610, An Act Providing for Stronger Deterrence and Special Protection against Child Abuse, Exploitation and Discrimination, Providing Penalties for its Violation, and for Other Purposes; Republic Act No. 9262, An Act Defining Violence Against Women and Their Children, Providing for Protective Measures for Victims, Prescribing Penalties Therefor, and for Other Purposes; and 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. Dumadag*, 667 Phil. 664, 669 [2011]).

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

let her go and to give her money for her fare in going home. The accused threw coins to AAA and then he ran away.

After the accused left[,] AAA immediately dressed up and boarded a passenger jeepney. She went to the house of her friend, CCC in x x x City to whom she revealed her ordeal. CCC's family made AAA to take a bath as she was so dirty at that time. Later, CCC and the latter's mother accompanied AAA in going home.

At [the] time the incident was happening, the connection line of AAA's cellular phone was open because while she was walking to cross the street[,] she was talking to her other friend, DDD[,] about the christening of the latter's child. Consequently, DDD who, at the time was at the other end of the line[,] was able to hear everything as the call was not ended yet when the accused took the mobile phone from AAA. So DDD, together with her brother and other friends[,] went to x x x to look for AAA. But at that time, AAA was already at the house of CCC. Also, AAA's mother, BBB called up AAA's cellular phone. A male person answered and introduced himself as AAA's boyfriend and told BBB that AAA pawned her mobile phone to him.

AAA was able to arrive home at around 2:00 in the morning of the following day, together with CCC and the latter's mother. The whole incident was disclosed to BBB[,] who brought AAA to the x x x Police Station x x x. Then, AAA, her mother, BBB, together with POC Eduardo Ronquillo, PO2 Harry Laxamana, PO1 Rodel Roda and PO1 Angelito Gagarin of the x x x Police Station went to the place where the incident occurred and the nearby places, but they could not find the accused. When AAA went back to the police station[,] she was told that another robbery was reported to the police and the description of the culprit was the same as the person who robbed and raped her. Upon the advice of the police investigator[,] AAA, accompanied by her mother, BBB[,] went to the Philippine National Police Crime Laboratory at Camp Crame, Quezon City where she underwent physical and genital examination.

For several days after the incident[,] the police[officers] conducted a series of follow-up operation and continued to conduct patrol along the area where the incident occurred. They also secured the help of their informants for the latter to report to the police if they would see any man fitting the description of the person who robbed and raped AAA. A few days after or on August 6, 2010, at around 12:30 in the morning, PO3 Ronquillo received a call coming from a police informant about three (3) male persons who were just starting to have a drinking session inside [x x x] and one of the trio matched the description of the suspect in AAA's rape[,] who was overheard telling his drinking companions that '*Umpisahan na natin, me gagahasain pa ako mamaya.*' PO3 Ronquillo, PO2 Laxamana, PO1 Roda and PO1 Gagarin immediately went to x x x where the informant pointed to the police officers herein accused. When the police officers approached the group of the accused and introduced themselves as police officers[,] the accused attempted to draw the knife which was tucked in his waist but PO2 Laxamana immediately grabbed the hand of the accused and seized the bladed weapon from him. Also, when the accused was asked to bring out the contents of the pockets of his short pants[,] he produced two sachets containing white crystalline substances suspected to be illegal drugs commonly known as 'shabu[.]' Consequently, after they were informed of their constitutional rights the accused and his two (2) companions were placed under arrest and were brought to the x x x Police Station.

Subsequently, the police officers fetched AAA at her house and informed her that three (3) x x x persons were arrested and one of them might be the person who robbed and raped her. In a police line-up[,] AAA identified the [person] who perpetrated the crime charged as herein accused, [XXX].

Police Chief Inspector Benjamin Venancio Jota Lara of the Philippine National Police Crime Laboratory, Camp Crame, Quezon City was the one who conducted the physical and genital examination on AAA. Based on the Medico-Legal Report No. R-10-1434 dated August 2, 2010 of the said medico-legal officer, AAA's hymen showed '*shallow healed laceration at 3 and 6 o'clock positions*' and there was also injury on her posterior fourchette described as '*abrasion, rounded[.]*' Accordingly, the medico-legal officer made the following conclusion: '*Medico-genital examination shows clear evidence of blunt penetrating trauma to the hymen and recent penetrating trauma to the genitalia.*'

As a result of the incident, AAA failed to report for work the following day as a part-time 'promo girl' at "Asia Brewery" in x x x. She continuously cried and had a hard time sleeping because she always remembered what happened to her. She was afraid of walking and traveling alone and was only able to attend school again the following week after the incident.

#### EVIDENCE FOR THE DEFENSE

The accused denied the accusation against him. He asserted that during the whole day of July 29, 2010 up to the following morning of July 30, 2010[,] he was at his home located at x x x. Starting in the morning of July 29, 2010 up to 6:00 in the evening of the same day[,] he painted the house of his aunt which is located in the same compound where his house is located. Then, he had dinner with his wife and watched television up to 11:30 in the evening. Thereafter, he and his wife slept until the following morning of July 30, 2010 when they were awakened from their sleep by the noise coming from the videoke of their neighbor.

The accused further testified that on August 5, 2010, at around 10:00 in the evening, he was engaged in a drinking session with two (2) of his friends at x x x when suddenly police officers approached him. One police officer immediately slammed his face on the table. Shocked, all he could do was asked (sic) '*ano po, ano po yun?*' Then, the police officers brought him and his friends to the x x x Police Station where he was detained inside a room. There, the police officers mauled him to force him into admitting the crime charged, but he refused to do so. The following day or on August 6, 2010[,] he was brought to a Public Prosecutor for inquest proceedings where he saw AAA for the first time.

The accused further declared that he was also charged for violation of Section 11 of R.A. 9165 or for possession of illegal drugs and for violation of B.P.[.] 6 or for illegal possession of a bladed weapon. However, no drugs or bladed weapon were actually recovered from him at the time of his arrest on August 5, 2010. He was convicted for violation of the dangerous drugs law, but the case for illegal possession of a bladed weapon was dismissed because the arresting officers did not attend the hearings of the case.<sup>9</sup>

XXX was arraigned and pleaded not guilty.<sup>10</sup>

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<sup>9</sup> *Rollo*, pp. 3-7.

<sup>10</sup> *Id.* at 3.

At pre-trial, the parties stipulated the following:

1. Jurisdiction of the Court;
2. Identity of person to the name of the accused as appearing in the Information;
3. The incident happened on July 29, 2010 in x x x;
4. Complainant 'AAA' was 17 years old on the date of the incident;
5. That the case was on a regular preliminary investigation; and
6. A warrantless arrest was made.<sup>11</sup>

Thereafter, trial ensued and the prosecution rested its case after it presented the testimonies of AAA, BBB, Police Officer (PO) 1 Rodel Roda y Polinag, PO2 Theresa Leocardio-Maliglig, Police Chief Inspector (PCI) Benjamin Venancio Jota Lara.<sup>12</sup> For the defense, XXX himself was the lone witness presented.<sup>13</sup>

On October 27, 2015, a Decision was rendered by the RTC convicting XXX of the crime charged against him.<sup>14</sup> The dispositive portion of which reads:

WHEREFORE, the Court finds [XXX] GUILTY beyond reasonable doubt of the crime of robbery with rape. Accordingly, said accused is hereby sentenced to suffer the penalty of *reclusion perpetua*.

Further, the accused is hereby adjudged civilly liable to AAA. Accordingly, he is hereby ordered to return the Nokia 1200 cellular phone which he took from said victim. Should restitution be no longer possible, the accused shall pay AAA the value of said cellular phone in the amount of Php 1,500.00. The accused is further directed to pay AAA the amounts of Php 50,000.00 as civil indemnity and Php 50,000.00 as moral damages. Interest at the rate of six percent (6%) per *annum* is imposed on all the damages awarded in this case from date of finality of this judgment until fully paid.

SO ORDERED.<sup>15</sup>

Aggrieved, XXX appealed his case with the CA.

On May 18, 2017, the CA denied XXX's appeal and affirmed the RTC Decision with modifications, particularly as to the amounts of XXX's civil liabilities to AAA.<sup>16</sup> The dispositive portion of the CA Decision reads:

WHEREFORE, the appeal is DISMISSED. The Decision in Criminal Case No. C-84730 is AFFIRMED with MODIFICATIONS in that appellant [XXX] is ordered to pay private complainant AAA the sum of P75,000.00 as civil indemnity, P75,000.00 as moral damages and P75,000.00 as exemplary damages.

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<sup>11</sup> Id.

<sup>12</sup> Id.

<sup>13</sup> Id.

<sup>14</sup> CA *rollo*, pp. 9-27.

<sup>15</sup> Id. at 26-27.

<sup>16</sup> *Rollo*, pp. 2-16.

The rest of the assailed Decision STANDS.

SO ORDERED.<sup>17</sup>

Hence, the instant appeal.

### **Our Ruling**

The instant appeal has no merit.

Preliminarily, it must be reiterated that the factual findings of the trial court, especially those which revolve around matters of credibility of witnesses deserve to be respected, when no glaring errors bordering on a gross misapprehension of the facts, or where no speculative, arbitrary and unsupported conclusions, can be gleaned from such findings.<sup>18</sup> The evaluation of the credibility of witnesses and their testimonies are best undertaken by the trial court because of its unique opportunity to observe the witnesses' deportment, demeanor, conduct and attitude under grueling examination.<sup>19</sup> Such findings of the trial court are even more convincing when affirmed by the CA, as in this case.

With this in mind, We shall now examine XXX's arguments as to why he should be acquitted.

**The prosecution was able to establish positively XXX's identity as AAA's assailant.**

Tongco essentially argues that he should be acquitted as AAA's testimony failed to positively and effectively identify him as her assailant.<sup>20</sup> Several circumstances allegedly cast doubt on his identification, namely: the darkness of the area where the incident took place; AAA's ability to remember him after the lapse of eight days; and the absence of any description of AAA's assailant in the police blotter sheet.<sup>21</sup>

This argument holds no water.

After a perusal of the records of the case, this Court does not find any reason to depart from the RTC's conclusions as to the credibility of AAA's testimony, which was likewise affirmed by the CA after its own examination of the records. The records would show that the condition of visibility on the night

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<sup>17</sup> Id. at 16.

<sup>18</sup> *People v. Bayan*, 741 Phil. 716, 727 (2014).

<sup>19</sup> Id.

<sup>20</sup> *Rollo*, pp. 58-59.

<sup>21</sup> Id.

of the incident was sufficient for AAA to look at her assailant and later on recognize and identify him as XXX.

Jurisprudence has declared that moonlight,<sup>22</sup> starlight,<sup>23</sup> kerosene lamps,<sup>24</sup> a flashlight,<sup>25</sup> and lights of passing vehicles<sup>26</sup> are all adequate to provide illumination sufficient for purposes of recognition and identification. In this case, AAA testified that she was able to look at XXX due to the light coming from the headlights of the passing vehicles.<sup>27</sup> While AAA said that the place where she was raped by XXX was not lit, she clarified that she saw XXX's face when she was first pulled to the side of the road, to wit:

ACP SICAT

x x x x

Q: After he pulled you on the side of the road, what happened next?

A: He told me that it will just take for a while because it is just a job. At that time I was very afraid because he smelled of liquor.

Q: Then what happened next?

A: He kissed me, sir.

Q: On the lips?

A: Yes, sir.

x x x x

Q: Did he kiss you on the lips?

A: Yes, sir.

Q: Did he embrace you?

A: No, sir.

Q: What else did he do?

A: He removed my clothes and warned me not to make noise or else he will stab me, sir.

Q: Were you completely naked when he undressed you?

A: Yes, sir.

Q: Then what did he do next? Did you see the face of the accused at that time, AAA?

A: Yes, sir.

Q: Was the place lighted at that time?

A: No, sir. Only at the place where he pulled me first was lighted.

<sup>22</sup> *People v. Edaño*, 765 Phil. 239, 248 (2015), citing *People v. Lopez*, 371 Phil. 607, 621 (1999), further citing *People v. Oliano*, 350 Phil. 604, 625 (1998), and *People v. Gamboa, Jr.*, 229 Phil. 298, 308 (1986).

<sup>23</sup> *People v. Vacal*, 136 Phil. 284, 287 (1969).

<sup>24</sup> *People v. Gapasin*, 229 Phil. 203, 207 (1986).

<sup>25</sup> *People v. Porcare*, 205 Phil. 469, 477 (1983).

<sup>26</sup> *People v. Peralta*, 786 Phil. 209, 219 (2016), citing *People v. Dolar*, 301 Phil. 420, 430 (1994).

<sup>27</sup> *Rollo*, p. 10.

Q: When he had already removed your clothes, what happened next?

A: He repeatedly kissed me, sir.

Q: On your face?

A: All over my body, sir.

Q: And then what happened, AAA?

COURT

The witness is crying uncontrollably.

WITNESS

A: He inserted his penis [in] my vagina, sir.

ACP SICAT

Q: Were you standing up?

A: I was lying down on a stony area, sir.

Q: Then what did he do next when he had already inserted his penis?

A: He told me to stand up and he inserted his penis in my mouth, sir.

Q: Did you stand up?

A: He warned me that if I will not do as he wanted, he will surely kill me, sir.

Q: Did you feel the knife at that time? Was the accused armed at that time?

A: I do not know, sir. I did not see what kind of weapon he used but I felt a hard object at my side when he was robbing me.<sup>28</sup>

Aside from the existence of sufficient visibility, AAA's credibility is also bolstered by the fact that she has no ill motive to falsely identify XXX as her assailant. It is doctrinal that when there is nothing to indicate that the prosecution's principal witness was impelled by improper motive, the presumption of good faith prevails and the testimony is entitled to full faith and credit.<sup>29</sup>

This Court also rejects XXX's argument that the lapse of eight days casts doubt on AAA's identification of him. It is not impossible for AAA to remember her assailant's appearance after a mere eight days, especially considering the traumatic incident she experienced. In *People v. Naag*,<sup>30</sup> this Court has declared that victims of criminal violence have a natural knack in remembering and recognizing their assailants, to wit:

In rape cases, what is material is that there is penetration of the female organ no matter how slight. In a long line of decisions, we have ruled that the only essential point is to prove the entrance or at least the introduction of the male

<sup>28</sup> TSN, December 1, 2010, pp. 7-9.

<sup>29</sup> *People v. Rostata, Jr.*, 291-A Phil. 693, 712 (1993).

<sup>30</sup> 404 Phil. 542, 550-551 (2001).



organ into the labia of the pudendum. Hence, the moment the accused's penis knocks at the door of the pudenda it suffices to constitute the crime of rape.

The appellant next assails the identification made by Desiree. He contends that it was still dark at the time of the incident. He argues that when people board a tricycle, they do not usually focus their attention on the driver. He states that the identity of the driver could be the least of Desiree's concern for at 4 o'clock in the morning, she would have just wanted to go home and rest in the comfort of her bed.

We are not persuaded. Desiree could not have failed to recognize the appellant because she was the victim of the assault. A truism founded on ordinary experience is that victims of criminal violence often strive hard to recognize their assailants. Furthermore, a victim has a natural knack in remembering the face of an assailant for she, more than anybody else, would be interested in bringing the malefactor to justice. On the other hand, it would be unnatural for someone who is interested in vindicating the crime to accuse somebody other than the real culprit.<sup>31</sup> (Underscoring supplied)

As to the alleged irregularity in the police blotter sheet, this Court finds the same to be immaterial and insufficient to overturn AAA's affirmative and positive testimony identifying XXX as the assailant. It must be emphasized that official records, such as a police blotter, should not be given undue significance or probative value for they are usually incomplete and inaccurate, sometimes from either partial suggestions or for want of suggestions or inquiries.<sup>32</sup> Entries in a police blotter are merely *prima facie* evidence of the facts stated therein but they are not conclusive.<sup>33</sup> Moreover, even assuming just for the sake of argument that there was a defect in the police officer's out-of-court identification of XXX, such defect was remedied by AAA's positive and categorical in-court identification. This Court has already ruled that an invalid out-of-court identification can be cured by a valid in-court identification.<sup>34</sup>

**The prosecution was able to prove that violence against or intimidation of persons was present when AAA's cellphone and wallet was taken from her by XXX.**

XXX argues that the prosecution failed to establish that the alleged taking of personal property was attended by violence against or intimidation of persons.<sup>35</sup> He contends that there was nothing in the records that would show that he employed violence against AAA when he took her wallet and cellphone.

This argument has no merit and is contrary to what the records show.

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<sup>31</sup> Id.

<sup>32</sup> *People v. Silva*, 378 Phil. 1267, 1273 (1999).

<sup>33</sup> Id. at 1273-1274.

<sup>34</sup> *People v. Sabangan*, 723 Phil. 591, 614 (2013).

<sup>35</sup> *Rollo*, pp. 59-61.

It must be emphasized that XXX's threats and intimidation must be considered in light of the victim's (AAA) perception and judgment at the time of the incident, and not by any hard and fast rule. XXX's acts of putting his arm over AAA's shoulder and then intimidating her, by poking a hard object on her body, and threatening her to not shout or else he would kill her, were all sufficiently proven before the RTC.<sup>36</sup> These are clear acts of intimidation, especially considering AAA's perception - a lone 17-year old person at the time. In fact, AAA also testified that she was already scared when XXX approached her as he smelled of alcohol.<sup>37</sup> The question of whether or not the "hard object" was a bladed weapon or knife is immaterial in establishing the element of violence or intimidation, as the mere fact that a stranger, smelling of alcohol, would suddenly approach a minor late at night and poke said "hard object," while uttering threats to the minor's life, is sufficient to be considered as violence or intimidation.

**The prosecution was able to establish XXX's guilt beyond reasonable doubt.**

Finally, XXX asserts that the prosecution failed to prove that the alleged robbery was accompanied by rape.<sup>38</sup> In particular, he maintains that the prosecution failed to prove his guilt beyond reasonable doubt, alleging that AAA's account of events was concocted as the same was flawed and full of improbabilities.<sup>39</sup>

This Court is not convinced.

The crime of Robbery with Rape is penalized under Article 294 of the RPC, as amended by Section 9 of Republic Act No. (RA) 7659,<sup>40</sup> to wit:

Section 9. Article 294 of the same Code is hereby amended to read as follows:

"Art. 294. *Robbery with violence against or intimidation of persons – Penalties.* – Any person guilty of robbery with the use of violence against or intimidation of any person shall suffer:

1. The penalty of *reclusion perpetua* to death, when by reason or on occasion of the robbery, the crime of homicide shall have been committed, or when the robbery shall have been accompanied by rape or intentional mutilation or arson.

<sup>36</sup> Id. at 216-217.

<sup>37</sup> TSN, December 1, 2010, pp. 7-9.

<sup>38</sup> *Rollo*, pp. 61-63.

<sup>39</sup> Id.

<sup>40</sup> Entitled "AN ACT TO IMPOSE THE DEATH PENALTY ON CERTAIN HEINOUS CRIMES, AMENDING FOR THAT PURPOSE THE REVISED PENAL CODE, AS AMENDED, OTHER SPECIAL PENAL LAWS, AND FOR OTHER PURPOSES." Approved: December 13, 1993.

2. The penalty of *reclusion temporal* in its medium period to *reclusion perpetua*, when or if by reason or on occasion of such robbery, any of the physical injuries penalized in subdivision 1 of Article 263 shall have been inflicted.

3. The penalty of *reclusion temporal*, when by reason or on occasion of the robbery, any of the physical injuries penalized in subdivision 2 of the article mentioned in the next preceding paragraph, shall have been inflicted.

4. The penalty of *prision mayor* in its maximum period to *reclusion temporal* in its medium period, if the violence or intimidation employed in the commission of the robbery shall have been carried to a degree clearly unnecessary for the commission of the crime, or when in the course of its execution, the offender shall have inflicted upon any person not responsible for its commission any of the physical injuries covered by subdivisions 3 and 4 of said Article 263.

5. The penalty of *prision correccional* in its maximum period to *prision mayor* in its medium period in other cases.” (Underscoring supplied)

In relation to this, Article 266-A of the RPC defines the crime of Rape as follows:

Article 266-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 is otherwise unconscious;
- c) By means of fraudulent machination or grave abuse of authority; and
- d) When the offended party is under twelve (12) years of age or is demented, even though none of the circumstances mentioned above be present.

x x x x (Underscoring supplied)

In *Sison v. People*,<sup>41</sup> this Court reiterated that in rape cases, the essential element that the prosecution must prove is the absence of the victim’s consent to the sexual congress, to wit:

In rape cases, the essential element that the prosecution must prove is the absence of the victim’s consent to the sexual congress. The gravamen of the crime of rape is sexual congress with a woman by force or intimidation and without consent. Force in rape is relative, depending on the age, size and strength of the parties. In the same manner, intimidation must be viewed in the light of the victim’s perception and judgment at the time of the commission of the crime and not by any hard and fast rule.<sup>42</sup> (Underscoring supplied)

As applied in this case, the records would undeniably show that XXX had carnal knowledge of the victim by using force, threats, and intimidation. Evidence show that XXX, after robbing AAA, brought AAA to a vacant lot to

<sup>41</sup> 682 Phil. 608 (2012).

<sup>42</sup> Id. at 622-623.

fulfill his carnal desires and threatened her to not make any noise otherwise he would stab her.<sup>43</sup> XXX then made AAA lie down on the ground, repeatedly kissed her all over her body, and inserted his penis into her vagina.<sup>44</sup> Afterwards, XXX told AAA to stand up and when the latter did, the former put his penis inside her mouth.<sup>45</sup> These are the material facts. Mere inconsistencies in AAA's testimony on non-material issues do not disprove the fact that she was robbed and raped by XXX.

Furthermore, this Court has consistently held that the victim's lone testimony, once found in rape cases such as this one, credible, is sufficient to sustain a conviction.<sup>46</sup> Thus, in *People v. Venturina*:<sup>47</sup>

In the appreciation of the evidence for the prosecution and the defense, the settled rule is that the assessment of the credibility of witnesses is left largely to the trial court. And in almost all rape cases, the credibility of the victim's testimony is crucial in view of the intrinsic nature of the crime where only the participants therein can testify to its occurrence. "[The victim's] testimony is most vital and must be received with the utmost caution." Once found credible, the victim's lone testimony is sufficient to sustain a conviction. Absent therefore any substantial reason to justify the reversal of the assessments and conclusions of the trial court especially if such findings have been affirmed by the appellate court, the evaluation of the credibility of witnesses is well-nigh conclusive to this Court.<sup>48</sup> (Underscoring supplied)

It must be reiterated that there is nothing in the records that would show ill motive on the part of AAA in imputing the crime of Robbery with Rape to XXX. AAA, a minor, has nothing to gain and everything to lose by revealing the fact that she was robbed and raped, subjecting herself to the scrutiny of the court and the prying eyes of everyone involved in the proceedings.

This Court has consistently and repeatedly emphasized that "a young [person's] revelation that she had been raped, coupled with her voluntary submission to medical examination and willingness to undergo public trial where she could be compelled to give out the details of an assault on her dignity, cannot be so easily dismissed as mere concoction."<sup>49</sup> AAA, who was not of legal age and was merely trying to go home from school when the incident happened, is no different in the instant case.

AAA's narrative of events was also corroborated by Medico-Legal Report No. R-10-1434 dated August 2, 2010, which states that AAA's hymen showed '*shallow healed laceration at 3 and 6 o'clock positions*' and there was also injury on her posterior fourchette described as '*abrasion, rounded[.]*'<sup>50</sup>

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<sup>43</sup> TSN, December 1, 2010, pp. 7-9.

<sup>44</sup> Id.

<sup>45</sup> Id.

<sup>46</sup> 694 Phil. 646, 353 (2012).

<sup>47</sup> Id.

<sup>48</sup> Id. at 652-653.

<sup>49</sup> *People v. Eulalio*, G.R. No. 214882, October 16, 2019.

<sup>50</sup> Records, p. 8.

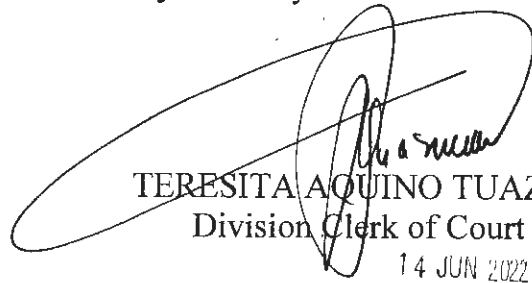
Accordingly, the medico-legal officer made the following conclusion: '*Medico-genital examination shows clear evidence of blunt penetrating trauma to the hymen and recent penetrating trauma to the genitalia.*'<sup>51</sup>

Therefore, considering how AAA narrated the commission of the felony, which was corroborated by the findings in Medico-Legal Report No. R-10-1434, this Court is constrained to agree with the ruling of the RTC and CA that XXX is guilty beyond reasonable doubt of Robbery with Rape. Definitely, AAA's positive and categorical testimony prevails over XXX's self-serving defenses of alibi and denial, and baseless attempts to cast doubt on AAA's testimony.

**WHEREFORE**, the instant appeal is **DISMISSED**. The assailed May 18, 2017 Decision of the Court of Appeals in CA-G.R. CR-HC No. 08091 is **AFFIRMED**.

**SO ORDERED.**"

By authority of the Court:

  
TERESITA AQUINO TUAZON  
Division Clerk of Court *by 6/14*  
14 JUN 2022

PUBLIC ATTORNEY'S OFFICE (reg)  
Special & Appealed Cases Service  
Department of Justice  
5<sup>th</sup> Floor, PAO-DOJ Agencies Building  
NIA Road corner East Avenue  
Diliman, 1104 Quezon City

OFFICE OF THE SOLICITOR GENERAL (reg)  
134 Amorsolo Street  
1229 Legaspi Village  
Makati City

XXX (reg)  
Prison No. N213P-3525  
Accused-Appellant  
c/o The Director  
Bureau of Corrections  
1770 Muntinlupa City

<sup>51</sup> Id.

THE DIRECTOR (reg)  
Bureau of Corrections  
1770 Muntinlupa City

HON. PRESIDING JUDGE (reg)  
Regional Trial Court, Branch 124  
Caloocan City  
(Crim. Case No. C-84730)

JUDGMENT DIVISION (x)  
Supreme Court, Manila

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Supreme Court, Manila

COURT OF APPEALS (x)  
Ma. Orosa Street  
Ermita, 1000 Manila  
CA-G.R. CR-HC No. 08091

*Please notify the Court of any change in your address.*

GR234016. 4/04/2022(115)URES(m) *h/14*