



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated **October 3, 2022**, which reads as follows:*

“**G.R. No. 239782 (People of the Philippines v. XXX¹)**. — On appeal is the April 21, 2017 Decision² of the Court of Appeals (CA) in CA-GR. CR-HC No. 06525, which affirmed with modification the November 18, 2013 Decision³ of the Regional Trial Court (RTC), [REDACTED], [REDACTED] in Criminal Case No. 3414-N, finding accused-appellant XXX guilty beyond reasonable doubt of the crime of Rape.

Antecedents

In an Information⁴ dated June 28, 2011, accused-appellant was charged with the crime of Rape defined and penalized under Article 266-A, paragraph (1) (a), in relation to Art. 266-B of the Revised Penal Code (RPC), as amended, which alleged:

That sometime in October, 2010, in the [REDACTED], Philippines,⁵ and within the jurisdiction of this Honorable Court, the above-named accused did then and there willfully, unlawfully and feloniously rape one [AAA],⁶ by means of force and intimidation and against the latter’s will and consent.

¹ 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.”

² *Rollo*, pp. 2-12. Penned by Associate Justice Jhosep Y. Lopez (now a member of this Court) and concurred in by Associate Justices Normandi B. Pizarro and Samuel H. Gaerlan (now a member of this Court).

³ Records, pp. 99-106. Penned by Judge Sixto D. Diompoc.

⁴ *Id.* at 1-2.

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

⁶ “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

Contrary to law.⁷

Upon arraignment, accused-appellant pleaded not guilty to the offense charged against him.⁸ Trial on the merits thereafter ensued.

Version of the Prosecution

AAA narrated that sometime in October 2010, at around 1:00 p.m., she followed her mother at her brother's piggery located at [REDACTED].⁹ Upon arrival, AAA saw accused-appellant.¹⁰ Immediately thereafter, accused-appellant called her to have sexual congress with him.¹¹ AAA averred that XXX threatened to kill her if she will refuse to have sexual congress with him.¹² Subsequently, accused-appellant inserted his penis into her vagina.¹³ After gratifying his bestial desires, XXX left and went home.¹⁴ When AAA arrived home, she failed to tell her mother about the incident out of fear that XXX will pursue his threat of killing her.¹⁵

AAA further testified that her mother, CCC, only learned that XXX raped her when she was already pregnant.¹⁶ Upon learning such information, CCC accompanied AAA and proceeded to the office of the Department of Social Welfare and Development (DSWD).¹⁷ They sought the help of the DSWD and reported the incident to the police station of [REDACTED].¹⁸ When asked what grade did she finish, AAA claimed that she only reached fourth grade and neither does she know how to read and write.¹⁹

On cross-examination, AAA averred that on the same day, accused-appellant ordered her to remove her pants and underwear.²⁰ On the other hand, while he was removing his short pants, AAA claimed that she did not bother to escape as she was afraid that accused-appellant will kill her.²¹ Thereafter, accused-appellant inserted his penis into her vagina and fondled her breast for

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]).

⁷ Records, p. 1

⁸ Id. at 25.

⁹ TSN, February 29, 2012, pp. 3-4.

¹⁰ Id. at 4.

¹¹ TSN, May 23, 2012, p. 3.

¹² Id.

¹³ Id.

¹⁴ Id.

¹⁵ Id. at 4.

¹⁶ Id.

¹⁷ Id.

¹⁸ Id.

¹⁹ Id. at 4-5.

²⁰ Id. at 12.

²¹ Id.

almost two hours.²² AAA testified that she gave birth on June 20, 2011 and that accused-appellant is the father of the child.²³

Corroborating the testimony of AAA, CCC, AAA's mother, narrated that on January 26, 2011, her daughter told her that she was raped by XXX and that AAA failed to immediately report the incident out of fear that accused-appellant will pursue his threat of killing her daughter.²⁴ Upon learning such information, CCC averred that they immediately reported the incident to the police station of [REDACTED].²⁵ Lastly, CCC testified on the damages and expenses they incurred for the support of the child.²⁶

Dr. Ma. Fe Navarrete (Dr. Navarrete) conducted AAA's medical examination.²⁷ Dr. Navarrete testified that AAA submitted herself before her for medical examination at the [REDACTED] Hospital.²⁸ Upon examination, Dr. Navarrete attested that AAA is already 14 weeks pregnant.²⁹

Version of the Defense

Accused-appellant vehemently denied the accusation against him and maintained that he and AAA were in a relationship. He testified that he knows AAA because they are neighbors and that his house is just a 100 meters away from the former's house.³⁰ When asked what is his means of livelihood, he averred that he is a tricycle driver in [REDACTED] and that on several occasions, AAA has been his passenger.³¹ He professed that their romantic and sexual relationship started way back in August 2009.³² Accused-appellant also claimed that they once had sexual intercourse near the shore in [REDACTED].³³ However, accused-appellant denied that he had sexual intercourse with AAA in October 2010 because they had a disagreement that day.³⁴ Despite having a romantic relationship with AAA, accused-appellant admitted that he is married with YYY.³⁵ Accused-appellant thereafter learned that AAA filed a criminal case for rape against him.³⁶

²² Id.

²³ Id. at 14.

²⁴ TSN, June 13, 2012, pp. 5-6.

²⁵ Id. at 6.

²⁶ Id. at 7.

²⁷ TSN, February 27, 2013, p. 3.

²⁸ Id.

²⁹ Id. at 6; records, p. 15.

³⁰ TSN, June 26, 2013, p. 3.

³¹ Id. at 3-4.

³² Id. at 4.

³³ Id.

³⁴ Id. at 5.

³⁵ Id.

³⁶ Id.

Ruling of the Regional Trial Court

The RTC, in its Decision³⁷ dated November 18, 2013, found accused-appellant guilty beyond reasonable doubt of the offense charged. It held that all the elements of Rape by carnal knowledge are present in this case. Furthermore, the trial court ruled that accused-appellant's reliance on the "sweetheart theory" cannot be given credence as the former can still be held liable for the crime of rape since it is indubitable that he had sexual intercourse with the private complainant against the latter's will. The dispositive portion of the RTC Decision reads:

WHEREFORE, premises considered, this court finds accused [XXX] GUILTY beyond reasonable doubt of the crime of Rape defined under Article 266-A and penalized under Article 266-B of the Revised Penal Code, as amended by Republic Act No. 8353 and hereby sentences him to suffer the penalty of RECLUSION PERPETUA, and is ordered to pay the sum of Fifty Thousand Pesos (₱50,000.00) as civil indemnity and another Fifty Thousand Pesos (₱50,000.00) as moral damages to the private complainant.

No pronouncement as to costs

SO ORDERED.³⁸

Aggrieved, accused-appellant appealed his conviction before the CA.³⁹

Ruling of the Court of Appeals

In its assailed April 21, 2017 Decision,⁴⁰ the CA affirmed with modification the trial court's judgment of conviction. It ruled that both carnal knowledge and absence of the victim's consent were sufficiently established by the prosecution. It likewise rejected the "sweetheart theory" propounded by the accused-appellant holding that the same cannot be given greater evidentiary value over the categorical and positive assertions of the prosecution's witnesses. The appellate court enunciated that the "sweetheart theory," being an affirmative defense, must be established by convincing evidence. However, no other evidence was presented by the accused-appellant to substantiate his claim except for his self-serving testimony.

Lastly, the appellate court, in addition to the damages awarded by the trial court, awarded exemplary damages in the amount of ₱30,000.00 and imposed interest at the legal rate of six percent (6%) per *annum* from the date of finality of the decision until fully paid.

The dispositive portion of the CA Decision reads:

³⁷ Records, pp. 99-106.

³⁸ Id. at 105-106.

³⁹ Id. at 108.

⁴⁰ Rollo, pp. 2-12.

WHEREFORE, premises considered, the instant appeal is DENIED. The Decision dated 18 November 2013 of the Regional Trial Court of [REDACTED], [REDACTED] in Criminal Case No. 34-14-N is hereby AFFIRMED with MODIFICATIONS in so far as accused-appellant is ORDERED to pay the victim [exemplary] damages in the amount of ₱30,000.00 and interest of 6% per annum on all damages from the finality of this Decision until fully paid.

SO ORDERED.⁴¹

Hence, the instant appeal.

Issue

The issue here is whether accused-appellant’s guilt for the charge of Rape was proven beyond reasonable doubt.

Our Ruling

The appeal is bereft of merit.

Art. 266-A of the RPC, as amended, provides the elements for the crime of Rape, to wit:

ART. 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 otherwise unconscious;
 - c. By means of fraudulent machination or grave abuse of authority;
 - 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.

The Court finds no cogent reason to doubt that accused-appellant had obtained carnal knowledge of the victim by means of threat and intimidation. Her testimony was as follows:

Q: On or about 1:00 o’clock in the afternoon sometime [in] October 2010 do you remember where were you?

A: At the piggery of my brother [BBB].

Q: Where is that piggery located?

A: In [REDACTED].

Q: On said date and time do you remember if there was any untoward

⁴¹ Id.



incident that happened to you?

x x x x

A: I was called by [XXX] and if I refuse he will kill me.

Q: What happened next after you were called by [XXX] ?

A: He inserted his penis to my vagina.

Q: What did he tell you before he inserted his penis in your vagina?

A: He said "if you do not like I will kill you."

Q: Was he able to insert his penis in your vagina?

A: Yes, sir.

Q: What happened next after he inserted his penis to your vagina?

A: No more, sir.

Q: After that where did he go?

A: He went home.

Q: If [XXX] is inside the courtroom now will you point to him?

A: He is there, sir.

COURT INTERPRETER –

Witness pointing to a man wearing an orange t-shirt and when asked of his name he answered [XXX].

Q: When he uttered to you the words "If you don't like I will kill you" what did you feel?

A: I was afraid.

Q: And after that incident where did you go?

A: I went home.

Q: After the sexual intercourse what did you feel?

A: My vagina was painful.

Q: When you were able to arrive at home did you report to your mother what happened?

A: No, sir.

Q: Why?

A: I was afraid because of the threat of [XXX] that he will kill me.⁴²

x x x x

Q: When you were asked why were you sexually assaulted, you said because you were afraid, why were you afraid?

A: He threatened to kill me.

⁴² TSN, May 23, 2012, pp. 3-4.

Q: Why, was he armed or not?

A: He was armed.

Q: From your place to the place where you pointed where the accused first told you to have sex with him, was he already armed?

A: Yes, sir, there was, I saw he was holding something.

Q: What was he holding?

A: A bolo, like this.

COURT INTERPRETER –

Witness making a demonstration using her two fingers indicating a length of 1 foot.

Q: When the accused came from that distance of seven (7) meters to the place where you were and was able to have sex with you, was he armed when he approached you?

A: Yes, sir.⁴³

For his defense, accused-appellant attacks AAA's credibility for having inconsistent and improbable testimonies which cast doubt on the veracity of her allegations.

The argument of the accused-appellant fails to convince.

We have consistently ruled that a rape victim cannot be expected to mechanically keep and then give an accurate account of the traumatic and horrifying experience she had undergone.⁴⁴ Inaccuracies and inconsistencies in her testimony are generally expected.⁴⁵ Thus, such fact, alone, cannot automatically result in an accused's acquittal.⁴⁶ Furthermore, the trial court's evaluation of a witness is generally accorded great weight and respect as they are in a better position to determine the latter's conduct and demeanor and to determine whether indeed they are telling the truth. Thus, the lower courts correctly gave credence to AAA's testimonies.

In addition, accused-appellant relies on the "sweetheart theory" and claims that the prosecution failed to establish the use of force, threat and intimidation in the commission of the crime of Rape. We are not convinced. The argument of accused-appellant that they are in a relationship was uncorroborated and self-serving. In any event, being in a relationship is not an excuse on the part of the accused-appellant to have sexual intercourse with AAA against her will and without her consent. To stress, the sweetheart theory does not negate the commission of rape. The Court reiterated in *People v. Bongbonga*,⁴⁷ that even if the accused and the victim were really sweethearts, such a fact would not necessarily establish consent. It has been consistently

⁴³ Id. at 11.

⁴⁴ *People v. BBB*, G.R. No. 232071, July 10, 2019.

⁴⁵ Id.

⁴⁶ Id.

⁴⁷ 816 Phil. 596 (2017).

ruled that “a love affair does not justify rape, for the beloved cannot be sexually violated against her will.”⁴⁸ The fact that a woman voluntarily goes out on a date with her lover does not give him unbridled license to have sex with her against her will.⁴⁹

In fine, accused-appellant has miserably failed to overturn the burden of evidence against him. The accused-appellant’s defense of denial is inherently a weak defense. On the other hand, positive identification of the accused as the one who had sexual intercourse with her and the fact that she had no ill motive in filing said charge against accused-appellant deserve credence.

Lastly, accused-appellant puts in issue the medical certificate presented by the prosecution. He contends that the same cannot be used as evidence against him since Dr. Navarrete is not an expert in the field of maternity.

The argument of the accused-appellant is untenable. A medical examination of the victim is not indispensable in the prosecution for rape, and no law requires a medical examination for the successful prosecution thereof.⁵⁰ The medical examination of the victim or the presentation of the medical certificate is not essential to prove the commission of rape, as the testimony of the victim alone, if credible, is sufficient to convict the accused of the crime.⁵¹

Considering the foregoing, the Court finds that the lower courts were correct in finding that the accused-appellant is indeed guilty beyond reasonable doubt of the crime of Rape under Art. 266-A, par. 1(a) of the RPC and should suffer the penalty of *reclusion perpetua*.

Anent the award of damages, the Court deems it proper to modify the damages awarded by the appellate court. In order to conform to prevailing jurisprudence,⁵² the awards of civil indemnity and moral damages must be increased from ₱50,000.00 to ₱75,000.00 each. In the same vein, exemplary damages must likewise be increased from ₱30,000.00 to ₱75,000.00.⁵³ Finally, all the monetary awards shall earn interest at the rate of six percent (6%) per *annum* from the date of finality of the judgment until fully paid.

WHEREFORE, the appeal is **DISMISSED**. The April 21, 2017 Decision of the Court of Appeals in CA-G.R. CR-HC No. 06525 is hereby **AFFIRMED with MODIFICATIONS**.

Accused-appellant XXX is sentenced to suffer the penalty of *reclusion*

⁴⁸ Id. at 609.

⁴⁹ Id.

⁵⁰ *People v. Manaligod*, 831 Phil. 204, 213 (2018).

⁵¹ Id.

⁵² *People v. Jugueta*, 783 Phil. 806, 848-849 (2016).

⁵³ Id.

perpetua for the crime of Rape under Article 266-A (1)(a) in relation to Article 266-B of the Revised Penal Code, as amended. He is also **DIRECTED** to pay the victim, AAA civil indemnity, moral damages, and exemplary damages amounting to ₱75,000.00 each.

All damages awarded shall be subject to interest at the rate of six percent (6%) per *annum* from the finality of this Resolution until their full satisfaction.

SO ORDERED.”

By authority of the Court:


LIBRADA C. BUENA
Division Clerk of Court *2013*

by:

MARIA TERESA B. SIBULO
Deputy Division Clerk of Court
116

OCT 13 2022

The Solicitor General
134 Amorsolo Street, Legaspi Village
1229 Makati City

Court of Appeals (x)
Manila
(CA-G.R. CR-HC No. 06525)

The Hon. Presiding Judge
Regional Trial Court, Branch 72
Narvacan, 2704 Ilocos Sur
(Crim. Case No. 34-14-N)

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PUBLIC ATTORNEY’S OFFICE
Special and Appealed Cases Service
Counsel for Accused-Appellant
5/F, DOJ Agencies Building, NIA Road
cor. East Avenue, Diliman, 1101 Quezon City

Philippine Judicial Academy (x)
Supreme Court

XXX
Accused-Appellant
c/o The Director General
Bureau of Corrections
1770 Muntinlupa City

Judgment Division (x)
Supreme Court

The Director General
Bureau of Corrections
1770 Muntinlupa City

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