



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated **July 27, 2022** which reads as follows:*

“**G.R. No. 242170** (*People of the Philippines v. XXX*¹). — On appeal² is the February 26, 2018 Decision³ of the Court of Appeals (CA) in CA-G.R. CR. H.C. No. 09051, affirming the Decision⁴ of the Regional Trial Court (RTC), Branch 140 of ██████████⁵ in Criminal Case No. R-MKT-16-01002-CR, which found accused-appellant XXX (accused-appellant) guilty beyond reasonable doubt of the crime of Rape under Article 266-A (1)(a) of the Revised Penal Code (RPC).

An Information⁶ dated June 4, 2016 was filed against accused-appellant. It reads:

On June 29, 2016, in ██████████, the Philippines, accused being the cousin-in-law of complainant [AAA],⁷ sixteen (16) years old, a minor, by means of force, violence and

- over – eighteen (18) pages ...

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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. 17-18.

³ *Id.* at 2-16. Penned by Associate Justice Renato C. Francisco and concurred in by Associate Justices Magdangal M. De Leon and Rodil V. Zalameda (now a Member of the Court).

⁴ Records, pp. 99-110. Penned by Judge Cristina F. Javalera-Sulit.

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

⁶ Records, pp. 1-4.

⁷ “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]).



intimidation, did then and there, willfully, unlawfully and feloniously have carnal knowledge of said complainant [AAA], against her will.

CONTRARY TO LAW.⁸

Accused-appellant pleaded “not guilty” to the crime charged and trial ensued.⁹ The prosecution presented the testimonies of private complainant AAA, her aunt, BBB, and Police Chief Inspector Gracia Catherine Guno (Dr. Guno), Medico Legal Officer of the Philippine National Police (PNP).¹⁰ The defense, on the other hand, presented the lone testimony of accused-appellant.¹¹

Version of the Prosecution

AAA was born on October 25, 1999 and was 16 years old at the time of the incident. She lived with her second cousin DDD, and her husband, accused-appellant, in [REDACTED], who hired her through their aunt BBB to be the nanny of their then one-year old child, EEE.¹² AAA started working on February 28, 2016, and in exchange for her services, AAA was given a monthly salary and was allowed to attend school at their expense.¹³

On June 29, 2016, at around 1:30 p.m., AAA arrived home from school and took EEE from accused-appellant. She entered the room to change her clothes and put EEE to sleep. When EEE fell asleep, AAA laid beside her on the bed. Suddenly, accused-appellant entered the room and laid on top of AAA. Utterly shocked, AAA pushed accused-appellant away and told him to leave. Accused-appellant, however, held her hands and told her to keep quiet. Thereafter, accused-appellant removed AAA’s shorts and panties, kissed her lips, and started penetrating her. AAA felt pain and she struggled against accused-appellant. She kept on scratching accused-appellant’s back and was calling her aunt BBB and her cousin CCC who were then at the second floor of the house. However, her cry for help was not heard as it was raining outside.¹⁴ After satisfying his lust, accused-appellant, wore his shorts, and left the room.¹⁵

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⁸ Records, p. 2.

⁹ Id. at 28.

¹⁰ Records, p. 99.

¹¹ Id. at 102.

¹² Id.

¹³ TSN, August 30, 2016, pp. 47-79.

¹⁴ Id. at 44-45; 60-64.

¹⁵ Id. at 33-40.

AAA put her clothes back on, locked the door, and packed her things to leave. Accused-appellant then invited AAA to eat but AAA did not heed his call. Accused-appellant thus peeped through the opening of the door to see what AAA was doing. Upon seeing her packing, accused-appellant tried to force open the door using a knife. When it was opened, accused-appellant attempted to unpack AAA's clothes and pleaded the latter not leave them. AAA nonetheless continued with her packing.¹⁶

BBB was about to have her *siesta* when AAA came crying carrying her bags. When asked why, AAA slumped on the floor and told BBB that she was raped by accused-appellant. Having learned what happened, BBB and DDD's sister CCC, discussed on how to proceed. They asked AAA to go to the bathroom to check her underwear and saw that it was bloodied. BBB then went down and confronted accused-appellant who denied having done anything bad against AAA. He told BBB that he merely shouted at AAA. BBB told him that she will have him detained for what he did to AAA.¹⁷

BBB and AAA then went to [REDACTED] and sought assistance for a medico-legal examination. They were directed to go to Camp Crame in Quezon City. Thereat, Dr. Guno examined AAA at 9:55 p.m. After the medical examination, AAA and aunt BBB proceeded to the [REDACTED] Police Station and filed a formal complaint against accused-appellant.¹⁸

The results of the medical examination of Dr. Guno upon AAA revealed presence of fresh abrasion at 1 & 2 o'clock positions, shallow fresh laceration at 5 o'clock position, and deep healed laceration at 8 and 9 o'clock positions in her private organ's vestibular region. The medical conclusion was that "Anogenital findings are indicative of blunt penetrating trauma to the hymen."¹⁹

Version of the Defense

The defense vehemently denied the narration of the prosecution.

Accused-appellant claimed that on June 29, 2016 at around 3:00 a.m., he arrived home from his work as a call center agent, ate breakfast and slept. At around 1:00 p.m., AAA arrived home from

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¹⁶ Id. at 28-41.

¹⁷ TSN, September 13, 2016, pp. 11-14.

¹⁸ Id. at 14-18.

¹⁹ Exhibit F.

school, went straight to her room, and only went out to get a drink. When accused-appellant later checked on AAA, he saw that she was speaking to someone on her phone. Accused-appellant then instructed AAA to get EEE, she being her nanny, as he was about to prepare for work. AAA obeyed but returned to the room again and locked the door. Thus, accused-appellant told AAA in a loud voice not to put EEE to sleep as she has just awakened. AAA did not respond. When lunch was ready, accused-appellant again asked AAA to come out but the latter ignored him.²⁰

While accused-appellant was feeding his son, FFF, AAA suddenly barged out of the room carrying her bags and informed him that she will leave, saying "*Bahala kayo sa anak niyo mag-alaga. Ewan ko kung makapagtrabaho pa kayo.*"²¹ Accused-appellant thought that AAA will return to her previous employer, and asked her to wait for his wife instead. AAA did not respond and walked out of the house.²²

At around 2:00 p.m., BBB and CCC, his sister-in-law, confronted him saying: "*[XXX], ano ang ginawa mo kay AAA binalasa mo daw sya?*" Accused-appellant denied the accusation and told them that he merely scolded AAA. However, BBB responded by asking if he was sure, otherwise she will have him incarcerated.²³

Surprised, accused-appellant followed BBB and CCC to the second floor. He asked them what AAA told them but they did not answer. He thus returned home and asked their neighbor to look after his children. Thereafter, he proceeded to the office of his wife in [REDACTED]. Accused-appellant told his wife about the accusations of BBB and CCC. DDD assured him that she will talk to them. Accused-appellant then proceeded to his work. He finished his work duty at 3:00 a.m. the next day and proceeded home.²⁴

Accused-appellant insisted that the charge against him was concocted by AAA, BBB, CCC, and GGG because of their previous misunderstandings and long-standing family grudges. Accused-appellant claimed that: 1) He and DDD oftentimes scold AAA for using her cellphone all the time and neglecting her responsibilities; 2)

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²⁰ TSN, October 25, 2016, pp. 9-13.

²¹ *Rollo*, p. 6.

²² TSN, October 25, 2016, p. 13.

²³ *Id.* at 13-14.

²⁴ *Id.* at 14-18.

AAA was afraid that she might be scolded for having sex with her boyfriend thus she invented the rape charge; 3) He had a fight with GGG and HHH,²⁵ brothers of BBB, because of his early collection of Meralco payments, and HHH who was a drunkard, frequently enters their house and shouts at his children; and 4) BBB had disagreements with DDD, the latter being irritated with BBB for being talkative, making it hard to get the much needed sleep after her work shift.²⁶

Ruling of the Regional Trial Court

The RTC rendered a Decision²⁷ finding accused-appellant guilty of Rape. The dispositive portion of the RTC ruling reads:

WHEREFORE, judgment is hereby rendered as follows:

1. Finding the accused [XXX] GUILTY beyond reasonable doubt of the crime of rape defined and penalized under Article 266-A paragraph 1(a) of the Revised Penal Code. Consequently, the court hereby sentences him to suffer the penalty of *reclusion perpetua* without eligibility of parole pursuant to R.A. 9346.

2. Said accused is likewise ordered to pay private complainant civil indemnity in the amount of P100,000.00 for moral damages, the sum of P100,000.00 and P100,000.00 and as exemplary damages, for a total of P300,000.00

All damages awarded shall earn legal interest at the rate of 6% per annum from the date of finality of judgment until fully paid.

Cost de officio.

SO ORDERED.²⁸

The trial court found AAA's testimony to be clear, categorical, and straightforward. She explicitly narrated how she was raped by accused-appellant, and that despite her resistance and her cries for help, accused-appellant overpowered her and successfully had carnal knowledge of her. AAA's immediate response of informing BBB that she was defiled is a normal reaction of a person whose chastity was indeed violated. Moreover, the results of the medical examination supported her claims of being raped, and that being so young, AAA

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²⁵ Id.

²⁶ Id. at 18-23.

²⁷ Records, pp. 99-110.

²⁸ Id. at 109-110.

would not concoct such a story and have her private parts examined, and be subjected to public trial just for the purpose of mere retaliation. Finally, accused-appellant's defense of denial was uncorroborated. Moreover, his actuations after the incident, *i.e.*, reporting to his wife what supposedly happened, and seeking refuge in his parents' house the day after the incident, were deemed unusual.²⁹

Aggrieved, accused-appellant appealed his conviction before the appellate court.

Ruling of the Court of Appeals

The appellate court, finding no reversible error in the RTC ruling, upheld the trial court's judgment of conviction. It, however, reduced the awards of civil indemnity, moral damages, and exemplary damages to ₱75,000.00 each.³⁰

WHEREFORE, the appeal is hereby **DENIED**. The Decision dated December 2, 2015 of the Court a quo is **AFFIRMED** with **MODIFICATIONS**; the awards of civil indemnity, moral damages and exemplary damages are decreased to P75,000.00 each; in addition, all monetary awards shall earn interest at the rate of six percent (6%) per annum from date of finality of this Decision until fully paid.

SO ORDERED.³¹

The CA held that all elements of Rape were proven by the prosecution beyond reasonable doubt, and that the testimony of AAA prevailed over accused-appellant's defense of bare denial.

Undeterred, accused-appellant brought the case before Us.³² The Public Attorney's Office, for and in behalf of accused-appellant, filed a Supplemental Brief.³³ On the other hand, the Office of the Solicitor General, representing the People of the Philippines, manifested that it shall adopt their Appellee's Brief filed before the appellate court.³⁴

Our Ruling

We deny. The appeal lacks merit.

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²⁹ Id. at 105-110.

³⁰ *Rollo*, pp. 2-16.

³¹ Id. at 16.

³² Id. at 17 and 20.

³³ Id. at 38-42 and 46-59.

³⁴ Id. at 34-37.

We emphasize at the outset that an appeal in criminal cases throws the whole case open for review, and the appellate court has the duty to correct, cite, and appreciate errors in the appealed judgment, whether or not assigned or unassigned.³⁵ Axiomatic to this, jurisprudence has emphatically maintained that the evaluation of the credibility of witnesses and their testimonies is a matter best undertaken by the trial court because of its unique opportunity to observe the witnesses first hand, and to note their demeanor, conduct, and attitude under grueling examination. These are important in unearthing the truth, especially in the face of conflicting testimonies.³⁶

Thus, the trial court's evaluation and conclusion on the credibility of witnesses, especially in rape cases, are generally accorded great weight and respect, and at times even finality, especially after the CA, as the intermediate reviewing tribunal, has affirmed the findings; unless there is a clear showing that the findings were reached arbitrarily, or that certain facts or circumstances of weight, substance, or value were overlooked, misapprehended, or misappreciated that, if properly considered, would alter the result of the case.³⁷

Rape can be proven by the sole testimony of the victim; force as an element of the crime of Rape need not be irresistible

Accused-appellant alleges that the testimony of AAA was laced with numerous inconsistencies on material matters that cast reasonable doubt on his guilt. *First*, AAA gave conflicting accounts on the number of times accused-appellant's private organ penetrated hers. In her *Sinumpaang Salaysay*, she stated that she was only penetrated once which contradicted her testimony in open court that penetration happened twice.³⁸ *Second*, AAA changed her narration anent the condition outside, suddenly alleging that it was raining, thereby muffling her shouts for help. *Third*, AAA changed her version on how she was raped stating that accused-appellant held her head with both hands, contradicting her earlier claim that accused-appellant

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³⁵ *Cunanan v. People*, 843 Phil. 96, 106 (2018), citing *People v. Balagat*, 604 Phil. 529, 534 (2009).

³⁶ *People v. Sapigao*, 614 Phil. 589, 599 (2009).

³⁷ See *People v. Ganaba*, 829 Phil. 306, 315 (2018).

³⁸ *Rollo*, pp. 47-49.

held her hands.³⁹ He also posits that the presence of “force, threat or intimidation” was not established by the prosecution thereby not satisfying the elements of the crime.⁴⁰

The arguments of accused-appellant deserve scant consideration.

Rape is a painful experience and oftentimes not remembered in detail given the traumatic experience one undergoes. Hence, inconsistencies in non-consequential matters in the victim’s testimony are to be expected. The Court explained in *People v. Ganaba*⁴¹ in this wise:

Rape is a painful experience which is oftentimes not remembered in detail. For such an offense is not analogous to a person’s achievement or accomplishment as to be worth recalling or reliving; rather, 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 opt to forget. Thus, a rape victim cannot be expected to mechanically keep and then give an accurate account of the traumatic and horrifying experience she had undergone.⁴² (Emphasis supplied)

If at all, the imputed inconsistencies only bolstered AAA’s credibility. The alleged discrepancies on non-material matters, as trivial as the particular part of her body that was held during the rape, or the number of times accused-appellant’s sex organ penetrated hers, are inconsequential and only showed that her testimony was not rehearsed.

The act of testifying before the court in itself is already a daunting undertaking, doubly more in testifying on something that is traumatic. Hence, minor lapses are to be expected when a person is recounting details of a humiliating experience which are painful to recall. Notably, oftentimes victims or witnesses are testifying in open court in the presence of strangers, about an extremely intimate matter not normally talked about in public. Such circumstances may be expected to cause their narration to be less than letter-perfect.⁴³ Be as it may, in rape cases, the credibility of the victim’s testimony is almost

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³⁹ Id. at 53.

⁴⁰ Id. at 51-54.

⁴¹ 829 Phil. 306 (2018).

⁴² Id. at 320, citing *People v. Saludo*, 662 Phil. 738, 753 (2011).

⁴³ See *People v. Natan*, 581 Phil. 649, 655 (2008).

always the single most important factor. When the victim's testimony is credible, even if there are minor inconsistencies, it may be the sole basis for the accused's conviction.⁴⁴

Here, AAA narrated the molestation she suffered in the hands of the accused-appellant in a clear, straightforward, and unequivocal manner, that even without corroboration from witnesses can stand on its own. The relevant portion of her direct testimony states:

COURT INTERPRETER: Ms. Witness, you are reminded that you are under oath and should this Court find that you are not telling the truth a case may be filed against you; do you understand ma'am?

WITNESS: Yes, ma'am

x x x x

PROS. GARVIDA

Q: You just arrived home at about 1:30 on June 29, 2016. As soon as you arrived, what did you do?

A: I took [EEE] from the sala to put her to sleep. And then afterwards, I will have to change my clothes.

Q: When you took the child [EEE], who was taking care of her?

A: [XXX].

Q: You took her from [XXX] and then brought her where?

A: Inside the room, sir.

x x x x

Q. And as soon as you brought the child inside, what happened?

A. I put her to sleep.

Q. How long did it take you to put her to sleep?

A. '*Sandali lang po.*'

Q. And then, what did you do?

A. '*Nakahiga po ako sa tabi nya para matulog na din.*'/ I lay down beside her to sleep also.

Q. When you arrived from school, what were you then wearing?

A. School uniform, sir.

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⁴⁴ *People v. Rupal*, 834 Phil. 594, 610 (2018).

- Q. When you were putting the child that you are taking care of to sleep, what were you then wearing?
A. Short and t-shirt.
- Q. When did you change your clothes?
A. When we went inside the room.
- Q. Now, you were able to put the child to sleep, what happened then?
A. [XXX] entered the room.
- Q. And then as soon as he entered, what happened, what did he do?
A. He approached me and then went on top of me,
- Q. What was your reaction when he went on top of you?
A. I was surprised, and then I asked him to leave; I was pushing him away.
- Q. What was his reaction to your effort of pushing him away?
A. '*Huwag daw akong maingay*' / I was told to be quiet.
- Q. He told you to be quiet?
A. Yes, sir.
- Q. And then?
A. He removed my lower garments.
- Q. What was [XXX] wearing when he entered the room?
A. White short, sir.
- Q. What about upper garments?
A. None, sir.
- Q. Now, he went on top of you and told you to be quiet and then he removed your lower garments. Your lower garments, meaning shorts and?
A. Panty, sir.
- Q. Panty. Now, after he was able to remove your shorts and panty, what happened?
A. He was kissing me.
- Q. Which part of your body was he kissing?
A. Lips, sir.
- Q. And then what did he do next?
A. He told me not to be noisy.
- Q. So he is kissing you on the lips. How did this happen?
A. A second, sir.

- Q. And then?
A. **I felt that his sex organ entered my sex organ.**
- Q. **How long was his sex organ inside yours?**
A. **A second, sir.**
- Q. And then?
A. **It was removed because I was constantly moving and then he inserted it again.**
- Q. **So the second time that he inserted his penis inside yours, how long did this happen?**
A. **A second also.**
- Q. **You know how long or how short a second is?**
A. **No, sir.**
- Q. **While he was inside you, his organ was inside you, what else, if any, was he doing?**
A. **He was kissing me.**
- Q. **He was also kissing you; on which part of your body?**
A. **Lips, sir.**
- Q. **Now, what were you doing while he was inside you and while he was kissing you on the lips?**
A. **I was pushing him away.**
- Q. And?
A. He was telling me not to be noisy.
- Q. Now, you said when he inserted his organ inside yours the second time, it took only a short time?
A. Yes, sir.
- Q. Why, what happened that he removed it?
A. I don't know, sir.
- Q. Now, as soon as he removed his penis inside your sex organ, what happened?
A. He put on his clothes and went out of the room.⁴⁵
(Emphasis supplied)

On cross examination, AAA remained steadfast and consistent on the material points of what happened, thus:

ATTY. VIZCARRA, JR.

- Q. After he removed your lower garments, what did he do?
A. He went on top of me again.

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⁴⁵ TSN, August 30, 2016, pp. 27-37.

Q. When he removed your undergarments, he was no longer on top of you?

A. Yes, sir.

Q. And he came back?

A. Yes, sir.

Q. **Then what did he do after that?**

A. **He placed his body on top of me.**

Q. **And then?**

A. **I felt that his sex organ was inside mine.**

Q. **How did you know that he inserted his sex organ into your sex organ?**

A. **I felt pain, sir.**

Q. How long did his sex organ stayed inside your organ?

A. A second, sir.

Q. Why? He removed it?

A. **It was removed, sir, because I was constantly moving (panay ang galaw ko).**

Q. **But you are sure that he was able to penetrate you?**

A. **Yes, sir.**

Q. You were moving, then his organ was dislodged from your organ, what did he do next?

A. He returned it again. He went on top of me again.

Q. **While he was doing those things, what were you doing, you were pushing him?**

A. Yes, sir.

Q. Were you closing your legs? No?

A. **'Pinipilit ko kong- iclose yung legs ko kaso po nakapatong sa akin si [XXX]' I was trying to close my legs by (sic) [XXX] was on top of me.**

Q. What was he doing with his hands during that time, while he was trying to penetrate your organ?

A. It's on my head, sir.

Q. Not your hands?

A. No sir.

Q. **Then he was again, for the second time, able to insert his sex organ inside your organ?**

A. Yes, sir.

Q. How long did he stay inside your organ?

A. A second.

Q. Then what? He removed it?

A. Yes, sir.⁴⁶

Prescinding from the above, We agree with the trial court in giving full credit to the positive and categorical testimony of private complainant in establishing the guilt of accused-appellant. AAA rendered a candid account of the harrowing experience she endured in the hands of accused-appellant, and was unwavering in her resolve during the lengthy cross-examination. Parenthetically, it has often been noted by this Court that if there is any inconsistency between the affidavit and the testimony of a witness, the latter should be given more weight since affidavits, being taken *ex-parte* are usually incomplete and inaccurate.⁴⁷ Besides, the alleged inconsistencies have no bearing on the principal question of whether accused-appellant had carnal knowledge of the victim. After all, “rape is consummated by the slightest penile penetration of the *labia majora* or pudendum of the female organ.”⁴⁸

We also find preposterous the allegation of the accused-appellant that “force,” as an element of the crime of rape, was lacking since the private complainant failed to explicitly testify on the matter, and she failed to establish any resistance during the incident.⁴⁹

Under Article 266-A, paragraph 1 of the RPC, the crime of Rape is committed when a man shall have carnal knowledge of a woman under any of the following circumstances: (a) through force, threat, or intimidation, among others. AAA’s narration clearly described how she was raped by the accused-appellant; including her resistance and shouts for help which obviously connote the employment of force. Indubitably, AAA shouted for help and tried to free herself by pushing accused-appellant away, scratching his back, and attempting to close her legs, yet he proved too strong for her. It should be noted that at the time of the incident, AAA was only 16 years old while accused-appellant was a full grown 34-year-old man in his prime. The obvious disparity between their physical strengths manifests the futility of any resistance exerted by private complainant as established in her testimony.

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⁴⁶ Id. at 61-63. Emphasis supplied.

⁴⁷ See *People v. Manigo*, 725 Phil. 324, 333, (2014).

⁴⁸ See *People v. Pancho*, 462 Phil. 193, 205-206 (2003), citing *People v. Campuhan*, 385 Phil. 912, 921-922 (2000).

⁴⁹ *Rollo*, pp. 51-53.

In rape cases, it is not necessary that the force employed be so great or be of such character that it could not be resisted; it is only necessary that the force employed by the guilty party be sufficient to consummate the purpose for which it was inflicted. In other words, force as an element of the crime of rape need not be irresistible as long as it brings about the desired result, all considerations of whether it was more or less irresistible are beside the point.⁵⁰ It is also settled that the force contemplated by law in rape cases is relative, depending on the age, size, and strength of the parties.

Besides, the law does not impose a burden on the rape victim to prove resistance because it is **not** an element of rape. Not all victims react the same way. Some people may cry out, some may faint, some may be shocked into insensibility, while others may appear to yield to the intrusion. Some may offer strong resistance while others may be too intimidated to offer any resistance at all. Thus, the failure of a rape victim to offer a tenacious resistance does not make her submission to accused-appellant's criminal acts voluntary. What is necessary is that the force employed against the victim was sufficient to consummate the purpose which the perpetrator has in mind, such as in the case at bar.⁵¹

Sexual history of victim not material in rape cases; medical evidence not indispensable; Rape no respecter of time

Accused-appellant likewise attempts to debunk the weight of the testimony of the private complainant by throwing shade in the results of the medical examination conducted by the medico legal.⁵² Accused-appellant highlights the fact that the doctor testified that there were deep healed lacerations found in private complainant's private organ. He averred that such finding engenders serious doubt on his guilt.⁵³

Accused-appellant is sorely mistaken.

We have consistently held that medical findings are not conclusive nor a requisite in proving rape. In fact, a medico-legal report is not indispensable in rape cases as it is merely corroborative

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⁵⁰ See *People v. Buban*, 618 Phil. 202, 223 (2009).

⁵¹ See *People v. Bacatan*, 718 Phil. 187, 199 (2013).

⁵² *Rollo*, pp. 50-51.

⁵³ *CA rollo*, pp. 30-31.

in nature. Thus, even without it, an accused may still be convicted on the sole basis of the testimony of the victim. As such, the credibility of the witness should be assessed independently regardless of the presence or absence of a medico-legal report. Trial courts are expected to scrutinize the victim's testimony with great caution, with or without a medico-legal report to corroborate the same.⁵⁴ As already exhibited above, private complainant's testimony contains all the earmarks of truth. Hence, it can stand alone even without the result of the examination of the medico-legal to prove accused-appellant's act of molesting her.

If at all, the prosecution's case was even strengthened by the findings of the medico-legal,⁵⁵ as it established that carnal knowledge of private complainant recently happened. The pertinent portion of the testimony of the medico legal reads:

- Q. I noticed that there are two (2) classifications of lacerations; one is fresh and the other one is healed. **Now, from the point of view of 'recency' how recent the injury was sustained, [and] can you give us a knowledgeable statement as to when would that recent injuries have been caused?**
- A. **When you say 'fresh' there was still an active bleeding at the injury and then it could be caused within twenty-four (24) hours.**⁵⁶ (Emphasis supplied)

Thus, the results of the medical examination did not at all destroy the prosecution's case but only served as a strong corroborative evidence to private complainant's credible testimony that indeed she was raped by the accused-appellant.

As to the fact that the private complainant admitted to having past sexual contact with her boyfriend, this Court finds such admission inconsequential to the finding that accused-appellant was guilty of the crime of rape. Past sexual conduct of a victim is not an indisputable evidence against her. Well-settled is the rule that in rape cases, virginity of the victim is **not** an element nor her moral character or virginity material to prove rape.⁵⁷

In a desperate effort to reverse his conviction, accused-appellant alleges that it is dubious and beyond human experience that his daughter EEE was not awoken of the noise and movements while rape

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⁵⁴ *People v. YYY*, 834 Phil. 656, 664 (2018).

⁵⁵ TSN, August 30, 2016, p. 10; Exhibit F: "fresh abrasions at 1 o'clock and 2 o'clock position and shallow fresh lacerations at 5 o'clock position" were likewise found.

⁵⁶ *Id.* at 12.

⁵⁷ See *People v. Suarez*, 496 Phil. 231, 249 (2005).

was allegedly being committed.⁵⁸ We denounce such allegation and quote with approval the disquisitions of the CA, *viz.*:

Jurisprudence has pronounced that lust is no respecter of time or place. Rape can be committed in many different places which may be considered as unlikely or inappropriate, and the scene of the rape is not always nor necessarily isolated or secluded. In fact, it may be done even in places where people congregate or when there are other occupants to the same room or where other members of the family are sleeping. Moreover, young children sleep more soundly than grown-ups and they are not easily awakened by adult exertions and suspirations in the night.⁵⁹

All in all, the prosecution was able to overcome the burden of proof in establishing the guilt of accused-appellant who offered no credible defense other than a bare denial with no evidentiary value. This Court thus finds no reason to overturn the consistent rulings of the courts *a quo* as they were fully supported by credible extant evidence, jurisprudence and law.

The crime committed and the proper penalty and indemnity

The RTC was well convinced that accused-appellant raped the private complainant and imposed the penalty of *reclusion perpetua* in light of Republic Act No. 9346,⁶⁰ prohibiting the imposition of death penalty, and awarded damages in the amount of ₱100,000.00 each for civil indemnity, moral damages and exemplary damages.⁶¹ However, the CA, while it affirmed the penalty of *reclusion perpetua*, reduced the damages imposed to ₱75,000.00 respectively for the damages cited.⁶²

In *People v. Jugueta*,⁶³ this Court set the minimum award for Simple Rape, as follows: (1) ₱75,000.00 as civil indemnity; (2) ₱75,000.00 as moral damages; and (3) ₱75,000.00 as exemplary damages.

Here, considering that the crime committed is Simple Rape, there being no aggravating circumstance to raise the imposible

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⁵⁸ *Rollo*, pp. 54-55.

⁵⁹ *Id.* at 14.

⁶⁰ Entitled "AN ACT PROHIBITING THE IMPOSITION OF DEATH PENALTY IN THE PHILIPPINES." Approved: June 24, 2006.

⁶¹ *Records*, pp. 109-110.

⁶² *Rollo*, pp. 15-16.

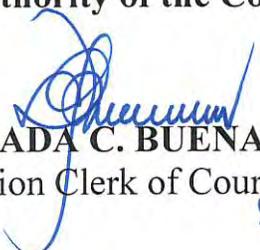
⁶³ 783 Phil. 806, 828 (2016).

penalty to death in accordance with Article 266-B,⁶⁴ the imposed penalty of imprisonment of *reclusion perpetua* was proper, and the awards of civil indemnity, moral damages, and exemplary damages in the amount of ₱75,000.00 each, were correct. In addition, interest at the rate of six percent (6%) per *annum* imposed on all damages awarded from the date of finality of the judgment pursuant to prevailing jurisprudence should be affirmed.

WHEREFORE, the appeal is hereby **DISMISSED**. The February 26, 2018 Decision of the Court of Appeals in CA-G.R. CR. H.C. No. 09051 which found accused-appellant **XXX GUILTY** beyond reasonable doubt of the crime of Rape under Article 266-A (1)(a) of the Revised Penal Code (RPC), is hereby **AFFIRMED** in *toto*.

SO ORDERED.” *Lazaro-Javier, J., designated additional Member per Raffle dated June 22, 2022 vice Zalameda, J., who recused due to prior participation in the CA.*

By authority of the Court:


LIBRADA C. BUENA
Division Clerk of Court

by:

MARIA TERESA B. SIBULO
Deputy Division Clerk of Court

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AUG 17 2022

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

Court of Appeals (x)
Manila
(CA-G.R. CR-HC No. 09051)

The Hon. Presiding Judge
Regional Trial Court, Branch 140
1200 Makati City
(Crim. Case No. R-MKT-16-01002)

- over -

⁶⁴ **Article 266-B. Penalty.** – Rape under paragraph 1 of the next preceding article shall be punished by reclusion perpetua. x x x



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