



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated September 7, 2022, which reads as follows:

“G.R. No. 250606 (*People of the Philippines v. XXX*¹). — Accused-appellant XXX (accused-appellant) filed the instant appeal² challenging the September 17, 2018 Decision³ of the Court of Appeals (CA) in CA-G.R. CR HC No. 09816 which affirmed the May 26, 2017 Decision⁴ of the Regional Trial Court (RTC) of [REDACTED],⁵ Branch 38 in Criminal Case No. P-1 (2002) finding accused-appellant guilty of the crime of Rape.

The Factual Antecedents

Accused-appellant was charged under the following Information,⁶ the accusatory portion of which reads:

That on or about the 14th day of October 2001, at [REDACTED], Republic of the Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with lewd designs and intent to have carnal knowledge of

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. 15-17.

³ *CA rollo*, pp. 76-87. Penned by Associate Justice Jane Aurora C. Lantion and concurred in by Associate Justices Pedro B. Corales and Pablito A. Perez.

⁴ *Id.* at 47-53. Penned by Judge Leo Cecilio D. Bautista.

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

⁶ Records, Volume I, pp. 1-2.

[AAA]⁷ [private complainant], a minor, 16 years of age, by means of force, violence and intimidation, did then and there, willfully, unlawfully and feloniously have sexual intercourse with and have carnal knowledge of [AAA], against her will and consent, to her damage and prejudice.

CONTRARY TO LAW.⁸

Upon arraignment, accused-appellant pleaded not guilty to the offense charged. Thereafter, trial ensued.⁹

Version of the Prosecution

Private complainant and accused-appellant were neighbors at [REDACTED]. Accused-appellant was a friend of private complainant's father, BBB. She saw them together several times in their house.¹⁰

On October 14, 2001, at around 10:00 p.m., private complainant and her two siblings went to their neighboring uncle's house to watch television. When they went back to their house after watching television, private complainant switched on the kerosene lamp and noticed that their chairs were disarranged. She told her two siblings to go to their room to sleep while she arranged the chairs. Afterwards, she also went to their room to sleep beside her two siblings. Private complainant was lying near the edge of their bed while her two siblings slept on her right side.¹¹

After a while, private complainant woke up when she felt someone inside their house. She also noticed that their lamp, which was hanging outside their room, was turned off. She stood up and turned it on. However, the lamp was turned off again after she laid down on their bed. She then decided not to switch it on and went back to sleep.¹²

After a while, private complainant felt someone embracing her and kissing her cheeks and neck.¹³ She recognized that it was accused-appellant due to the moonlight that illuminated their house and because of his voice.

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]).

⁸ Records, Volume I, p. 1.

⁹ CA *rollo*, p. 61.

¹⁰ Id.

¹¹ Id. at 62.

¹² Id.

¹³ Id.

Accused-appellant, who smelled of liquor,¹⁴ had no upper garment and was only wearing briefs wrapped with a towel.¹⁵ Thereafter, accused-appellant forcibly removed her upper garment, short pants and underwear. She resisted but accused-appellant covered her mouth and pointed a knife on her neck. When she shouted, accused-appellant threatened her that if she will shout again, he will kill her and her siblings. Accused-appellant then punched both her thighs. She felt weak and could not resist anymore. Accused-appellant then inserted his penis into her vagina and made push and pull movements.¹⁶

Private complainant cried and felt so much pain. After he was done, accused-appellant threatened her not to tell anyone what happened, otherwise, he will kill her and her siblings. Accused-appellant then left. Thereafter, private complainant woke up her siblings but she did not tell them what happened to her because they were still young. She just told her siblings to accompany her to their uncle's house. Private complainant could not stand because of pain, so she crawled on the ground. However, their uncle was already asleep so they just went back to their house.¹⁷

At around 11:00 p.m., private complainant's father arrived home and saw private complainant crying. She then told her father that accused-appellant raped her. Her father then talked to their relatives and relayed to them what happened to private complainant. They all decided to report the incident to the authorities and for private complainant to undergo a medical examination.¹⁸

The following day, private complainant and her father went to the Municipal Health Office for her physical and vaginal examination. Dr. Concesco P. Uera, Jr. (Dr. Uera) found abrasions and slight perineum in her private part.¹⁹

Version of the Defense

Accused-appellant vehemently denied the accusation against him. He averred that on October 13, 2001, he went home to [REDACTED] to visit his family as he was residing and working in [REDACTED] as a construction worker. The following morning, he was awakened by private complainant's father, who accused him of sexually abusing private complainant. He denied the accusation, claiming that it was impossible for him to go out the previous night as he was sleeping with his family. He likewise asserted that he did not drink any liquor.²⁰

¹⁴ Id. at 48.

¹⁵ Id. at 49.

¹⁶ Id. at 62.

¹⁷ Id. at 63.

¹⁸ Id.

¹⁹ Id.

²⁰ Id. at 31.

Subsequently, he went back to [REDACTED] to work. One month thereafter, accused-appellant went back to [REDACTED] and was summoned by the *barangay* captain to face the charges of private complainant and her father. The *barangay* captain required him to execute an affidavit and promised that he will not abuse private complainant again. He further claimed that the father of private complainant asked money from him so that the former will not file a case. However, he refused to comply as there was no truth to the charges in the first place. He again went back to [REDACTED] to work.²¹

After several months, he and his family decided to transfer to his parents-in-law in [REDACTED].²²

Several years passed and every time he would visit his hometown, his younger brother would tell him that a police officer was looking for him.²³ On April 6, 2012, he was arrested for allegedly raping private complainant.²⁴

Ruling of the Regional Trial Court

In its May 26, 2017 Decision, the trial court found accused-appellant guilty of the offense charged, the *fallo* of which reads:

WHEREFORE, premises considered, the Court finds [accused-appellant] guilty beyond reasonable doubt of the crime of rape defined and penalized under Article 266-A and 266-B of the Revised Penal Code and hereby sentences him to suffer a penalty of imprisonment of *reclusion perpetua*.

Let the necessary mittimus be issued for the immediate transfer of the accused to the New Bilibid Prison, Muntinlupa City, for the service of his sentence.

SO ORDERED.²⁵

Ruling of the Court of Appeals

Not in agreement with the RTC's findings, accused-appellant appealed with the CA. However, in its September 17, 2018 Decision, the appellate court affirmed the findings of the trial court with modification on the monetary awards. Thus, the dispositive portion of the Decision reads:

WHEREFORE, the instant appeal is **DENIED**. The Decision dated 26 May 2017 of the Regional Trial Court of [REDACTED] [,] Branch 38 in Criminal Case No. P-1 (2002), finding the accused-appellant x x x guilty of Rape and sentencing him to suffer the penalty of *reclusion perpetua* is

²¹ Id. at 31 and 49.

²² Id. at 50.

²³ Id.

²⁴ Id. at 32.

²⁵ Id. at 53.

AFFIRMED WITH MODIFICATION as to the award of damages as follows: civil indemnity of P75,000.00, moral damages of P75,000.00, and exemplary damages of P75,000.00. The civil indemnity and the moral damages and exemplary damages shall earn interest at the rate of six percent (6%) per annum from the date of finality of this judgment until fully paid.

SO ORDERED.²⁶

Aggrieved with the ruling of the appellate court, accused-appellant filed the instant appeal.

Issue

The fundamental issue in the instant case is whether accused-appellant is guilty of the crime charged against him.

Our Ruling

The instant appeal is devoid of merit.

Rape under paragraph 1, Article 266-A of the Revised Penal Code, as amended by Republic Act No. 8353,²⁷ is committed as follows:

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 is 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. (Emphasis supplied)

The gravamen of the crime of rape is carnal knowledge of a woman by force or intimidation and against her will or without her consent.²⁸ In the instant case, private complainant testified that when she went to sleep on October 14, 2001, she sensed someone embracing and kissing her. She recalled that accused-appellant first removed her clothes, covered her mouth,

²⁶ Id. at 86-87.

²⁷ Entitled "AN ACT EXPANDING THE DEFINITION OF THE CRIME OF RAPE, RECLASSIFYING THE SAME AS A CRIME AGAINST PERSONS, AMENDING FOR THE PURPOSE ACT NO. 9815, AS AMENDED, OTHERWISE KNOWN AS THE REVISED PENAL CODE AND FOR OTHER PURPOSES." Approved on September 30, 1997.

²⁸ *People v. Masubay*, G.R. No. 248875, September 3, 2020.

and poked a bladed weapon on her neck. She shouted but accused-appellant threatened that if she shouts again, he would kill her and her siblings. He also punched both her thighs which made her weak to resist his advances. After he removed her clothes, he inserted his penis into her private part and she felt pain.²⁹ Clearly, the prosecution was able to establish all the elements of the crime of Rape.

To exculpate himself, accused-appellant postulates that: (i) private complainant is not a credible witness since her narration of the alleged rape incident was too incredible to be true; in particular, she alleged that her siblings who slept beside her failed to notice the alleged incident despite her resistance and shouts;³⁰ (ii) private complainant's testimony was uncorroborated;³¹ (iii) private complainant's behavior after the alleged rape incident was not consistent to a conduct of a sexually abused victim because she waited until morning to tell anyone what just happened;³² and (iv) there was no conclusive finding of rape since the Medical Report³³ states that private complainant's hymen remained intact.³⁴ Based on the foregoing, accused-appellant argues that the prosecution failed to prove his guilt beyond reasonable doubt.

Accused-appellant's assertions fail to impress Us.

The testimony of private complainant that she was raped despite the fact that her siblings were sleeping beside her is certainly not incredible. Accused-appellant's acts of covering private complainant's mouth while simultaneously pointing a knife on her neck, threatening to kill her and her siblings, and punching her thighs when she tried to resist,³⁵ ensured the commission of rape and eliminated any resistance that she might offer and avoid awakening her siblings. In any event, failure to resist does not diminish the credibility of private complainant's testimony.³⁶ It must be stressed that the resistance of the victim is not an element of the crime of rape.³⁷ As long as force or intimidation is present, it is immaterial whether it was more or less irresistible.³⁸

Moreover, accused-appellant's contention that rape could not be committed in a room where several people, like private complainant's siblings, were sleeping does not deserve consideration. We have previously held that rape can be committed even inside a house where there are other

²⁹ CA *rollo*, p. 51.

³⁰ Id. at 35.

³¹ Id. at 38.

³² Id. at 39.

³³ Records, Volume I, p. 7.

³⁴ CA *rollo*, p. 42.

³⁵ Id. at 62.

³⁶ *People v. XXX*, G.R. No. 235662, July 24, 2019.

³⁷ *People v. Evardone*, G.R. No. 248204, August 24, 2020.

³⁸ *Mendoza v. People*, G.R. No. 239756, September 14, 2020.

occupants or where other members of the family are also sleeping. Thus, it is settled in criminal law that rape may be committed even when the rapist and the victim are not alone. It is not necessary for a rape to be committed in an isolated place. In fact, rape may even be committed in the same room or in a small room where other family members also sleep,³⁹ as in this case.

Furthermore, We note that the trial court lent full credence to private complainant's testimony. Settled is the rule that the findings of the trial court as to the credibility of witnesses will not be disturbed on appeal since the trial court is in a better position to observe their candor and conduct on the witness stand. Evaluation of the credibility of witnesses and their testimonies is a matter best undertaken by the trial court due to its unique opportunity to observe the witnesses and their demeanor, especially under cross-examination. Its assessment is respected unless certain significant facts were overlooked which, if considered, might affect the outcome of the case.⁴⁰

In addition, no sane woman, most especially a minor, would concoct a story of defloration, allow an examination of her private parts, and thereafter subject herself to a public trial or painstakingly recall a harrowing sexual ordeal, if she has not in truth been a victim of rape and is impelled to seek justice for the wrong committed against her.⁴¹

Moreover, it is inconsequential that the Medical Report⁴² states that private complainant's hymen remained intact and whether her testimony is uncorroborated. The lack of lacerated wounds does not negate sexual intercourse. Thus, the fact that the hymen of the victim is still intact does not rule out the possibility of rape.⁴³ In fact, it is well entrenched in our jurisprudence that a medical examination of the victim is not indispensable in a prosecution for rape inasmuch as the victim's testimony alone, if credible, is sufficient to convict the accused of the crime because the medical findings are merely corroborative in character.⁴⁴ Thus, in *People v. ZZZ*,⁴⁵ We reiterated that:

Likewise, the absence of hymenal laceration fails to exonerate accused-appellant. As explained in *People v. Osing*:

[M]ere touching, no matter how slight of the labia or lips of the female organ by the male genital, even without rupture or laceration of the hymen, is sufficient to consummate rape. The absence of fresh hymenal laceration does not disprove sexual abuse, especially when the victim is a young girl. (Citation omitted)

³⁹ *People v. Elimancil*, G.R. No. 234951, January 28, 2019.

⁴⁰ *People v. ZZZ*, G.R. No. 229209, February 12, 2020.

⁴¹ *People v. XYZ*, G.R. No. 244255, August 26, 2020.

⁴² Records, Volume I, p. 7.

⁴³ *People v. ZZZ*, G.R. No. 229862, June 19, 2019.

⁴⁴ *People v. Mendoza*, G.R. No. 239892, June 10, 2020.

⁴⁵ G.R. No. 229862, June 19, 2019.

This Court has consistently held that an intact hymen does not negate the commission of rape. The element of rape does not even include hymenal laceration:

The absence of external signs or physical injuries on the complainant's body does not necessarily negate the commission of rape, hymenal laceration not being, to repeat, an element of the crime of rape. A healed or fresh laceration would of course be a compelling proof of defloration. What is more, the foremost consideration in the prosecution of rape is the victim's testimony and not the findings of the medico-legal officer. x x x⁴⁶ (Citations omitted).

In addition, the delay in reporting the incident to proper authorities or to relatives does not taint the rape victim's testimony. In this case, private complainant simply waited until morning to tell anyone what had just happened.⁴⁷ Notably, accused-appellant threatened to kill her and her siblings if she would tell anyone about the rape incident.⁴⁸ To Our mind, this is a reasonable explanation why private complainant hesitated in promptly revealing her harrowing ordeal to her relatives and authorities. In any case, records show that immediately after the incident, private complainant attempted to inform her uncle about the incident however the latter was already asleep at the time. She also immediately disclosed her ordeal to her father upon the latter's arrival. Also, it was only a matter of hours when private complainant and her father revealed the harrowing experience to their relatives. Besides, "no standard form of behavior could be anticipated of a rape victim following her defilement, particularly a child who could not be expected to fully comprehend the ways of an adult."⁴⁹ People react differently to emotional stress, including rape victims.⁵⁰

This Court finds that accused-appellant's arguments merely raised alleged improbabilities and inconsistencies, which are inconsequential matters that do not bear upon the elements of the crime of rape.⁵¹ Since the inconsistencies raised by accused-appellant had nothing to do with the elements of the crime of rape, they cannot be used as grounds for his acquittal.⁵²

Finally, accused-appellant's defense of denial deserves no merit. Denial is inherently a weak defense. To be credible, it must be substantiated, otherwise such denial is viewed as self-serving compared to the positive declaration of a witness. "Bare, unsubstantiated denial is 'negative self-

⁴⁶ Id.

⁴⁷ CA rollo, p. 39.

⁴⁸ Id. at 63.

⁴⁹ *People v. XXX*, G.R. No. 230981, July 15, 2020.

⁵⁰ Id.

⁵¹ *People v. Lolos*, 641 Phil 624, 633 (2010).

⁵² *Abalos v. People*, G.R. No. 221836, August 14, 2019.

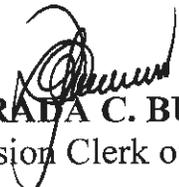
serving evidence which cannot be given greater evidentiary weight than the testimony of the complaining witness who testified on affirmative matters.”⁵³ Thus, private complainant’s positive identification of accused-appellant as the person who had carnal knowledge of her prevails over his denial.

Given the foregoing circumstances, We find no cogent reason to deviate from the findings and conclusions of the trial court, as affirmed by the CA, that accused-appellant is guilty of the crime of Rape.

ACCORDINGLY, the appeal is **DISMISSED**. The September 17, 2018 Decision of the Court of Appeals in CA-G.R. CR HC No. 09816 is **AFFIRMED**.

SO ORDERED.”

By authority of the Court:


LIBRADA C. BUENA
Division Clerk of Court

9/9/21

by:

MARIA TERESA B. SIBULO
Deputy Division Clerk of Court

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SEP 27 2022

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The Hon. Presiding Judge
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⁵³ *People v. Salazar*, G.R. No. 239138, February 17, 2021.



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