



Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Third Division, issued a Resolution dated **March 16, 2022**, which reads as follows:*

“G.R. No. 254880 (*People of the Philippines v. Gody Obas y Nicos*). –
The Court resolves to **NOTE:**

- (1) the Office of the Solicitor General’s Manifestation in Lieu of Supplemental Brief dated May 17, 2021, stating that it dispenses with the filing of a supplemental brief considering that the issues and arguments raised in the Appellant’s Brief have already been addressed at length in the Appellee’s Brief and judiciously considered and passed upon by the Court of Appeals in its assailed decision;
- (2) the Letter dated May 25, 2021 of CS04 Ariel L. Dela Rosa, Deputy Chief, Inmate Documents and Processing Division, Bureau of Corrections, Muntinlupa City, confirming the confinement therein of accused-appellant since August 17, 2018; and
- (3) accused-appellant’s Manifestation (in Lieu of Supplemental Brief) dated June 7, 2021, stating that he adopts his Appellant’s Brief filed before the Court of Appeals as his supplemental brief considering that he has adequately presented and discussed therein all the issues inclined to his innocence.

We affirm.

AAA¹ recounted in detail how appellant sexually violated her on April 30, 2012. During that time, she, her sister BBB, and appellant were left in the

¹ The real name of the victim, her personal circumstances and other information which tend to establish or compromise her identity, as well as those of her immediate family, or household members, shall not be disclosed to protect her privacy, and fictitious initial shall, instead, be used, in accordance with *People v. Cabalquinto* [533 Phil. 703 (2006)] and Amended Administrative Circular No. 83-2015 dated September 5, 2017.

house. Her aunt CCC went to Bacolod City to attend her sister's birthday party while her brother DDD went out with his friends. Around 8 o'clock in the evening of, April 29, 2012, she and BBB already went to sleep on the upper deck of the bed while appellant was still awake, lying on his bed. By midnight of April 30, 2012, she got awakened when appellant suddenly went to the upper deck of the bed. Meanwhile, BBB was fast asleep. Thereafter, appellant started to mash her breasts, took off her shorts, and held her hands. She tried to resist but he overpowered her. He inserted his penis into her vagina which caused her pain. She tried to shout but no sound came out. After satisfying his lust, he went back to his own bed and dozed off as if nothing happened.

The trial court found AAA's testimony to be positive, straightforward, and categorical.² Indeed, the credible testimony of the rape victim is sufficient to sustain a verdict of conviction.³ More, AAA was only sixteen (16) years old when the rape incident happened on April 30, 2012. To prove this, the prosecution offered in evidence AAA's birth certificate.⁴ A victim of tender age would not have narrated such sordid details had she not experienced them. In a long line of cases,⁵ the Court has given full weight and credence to the testimony of child victims.⁶ Youth and immaturity are generally badges of truth and sincerity.⁷

Appellant, nonetheless, undermines AAA's testimony because the medical findings discredited her claim of rape. Upon assessment of AAA, Dr. Gwendolyn Nava merely found old hymenal lacerations. Thus, there was no showing that the same resulted from the alleged sexual intercourse between him and AAA.

Appellant is mistaken.

The absence of fresh lacerations does not mean that the victim did not get raped.⁸ In the same vein, hymenal lacerations, *whether healed or fresh*, are the best evidence of forcible defloration.⁹ To be sure, medical evidence is merely corroborative and is not an indispensable element for conviction for rape.¹⁰

Next, appellant asserts that the case was only filed due to purported "bad blood" between him and AAA. She "got mad" at him when he sought

² CA rollo, p. 46.

³ *BBB v. People*, G.R. No. 249307, August 27, 2020.

⁴ Records, p. 10.

⁵ See *Pielago v. People*, 706 Phil. 460, 471 (2013); *Campos v. People*, 569 Phil. 658, 671 (2008), citing *People v. Capareda*, 473 Phil. 301, 330 (2004); *People v. Galigao*, 443 Phil. 246, 260 (2003).

⁶ See *People v. Oliva*, 616 Phil. 786, 792 (2009).

⁷ See *People v. Padit*, 780 Phil. 69, 80 (2016).

⁸ *People v. Bragat*, G.R. No. 222180, November 22, 2017, 846 SCRA 469, 480.

⁹ *People v. Suedad*, 786 Phil. 803, 814 (2016).

¹⁰ *People v. Pancho*, 462 Phil. 193, 206 (2003).

her help in a weeding service for three (3) days. The money gained from the weeding service would be allotted for her and her siblings' school needs and for buying rice. DDD and BBB helped him while AAA refused.

On this score, suffice it to state that ill-motive becomes inconsequential in light of AAA's clear narration of facts and positive identification of appellant. *People v. Suedad*¹¹ is on point:

The Court is also not convinced by appellant's proposition that ill feelings and ill motives of AAA, her mother and grandmother prompted the filing of the charges against him. **Ill-motives become inconsequential where there are affirmative or categorical declarations establishing appellant's accountability for the felony.** Not a few persons convicted of rape have attributed the charges against them to family feuds, resentment or revenge, however, these have never swayed us from giving full credence to the testimony of a complainant for rape, especially x x x AAA in the case at bar, who remained steadfast and unyielding throughout the long and tedious direct and cross-examination that she was sexually abused. (Emphasis and underscoring supplied)

Besides, it is highly unusual, nay, unnatural for any family member, to concoct a false charge of rape only because the victim here "got mad" at her uncle.¹²

Finally, in contrast to AAA's candid and categorical testimony, appellant interposes denial. He insists he neither woke up around midnight of April 30, 2012, nor slept beside AAA. He woke up past 6 o'clock in the morning of that day. Denial, however, is inherently a weak defense which cannot prevail over the positive and credible testimony of the victim who consistently identified the accused as her sexual predator. Thus, as between AAA's categorical testimony which has a ring of truth on one hand, and appellant's mere denial, on the other, the former prevails.¹³

Penalty

Article 266-B of the Revised Penal Code, as amended by Republic Act No. 8353,¹⁴ prescribes the penalty of *reclusion perpetua* for simple rape. Where the victim is under eighteen (18) years of age and the offender is a parent, ascendant, step-parent, guardian, relative by consanguinity or

¹¹ Supra note 9, at 815.

¹² See *People v. Santos*, 532 Phil. 752, 767 (2006) as cited in *People v. Suedad*, supra at 806.

¹³ See *People v. Batalla*, G.R. No. 221428, February 13, 2019.

¹⁴ "An Act Expanding the Definition of the Crime of Rape, reclassifying the same as a crime against persons, amending for the purpose Act No. 3815, as amended, otherwise known as the Revised Penal Code, and for the purposes."

affinity within the third civil degree, or the common-law spouse of the parent of the victim, the proper penalty is death.¹⁵

Here, AAA was sixteen (16) years old when she got raped. The prosecution offered in evidence her birth certificate to prove her minority at the time of the incident. Meanwhile, her blood relation with appellant is undisputed. Appellant took the witness stand and admitted to being AAA's uncle, and brother-in-law to FFF. Thus, the Court of Appeals did not err in affirming appellant's conviction for rape qualified by minority and relationship.

Consequently, the death penalty should have been imposed were it not for the enactment of Republic Act No. 9346.¹⁶ The Court of Appeals therefore correctly sentenced appellant to *reclusion perpetua* without eligibility for parole.¹⁷

Consistent with prevailing jurisprudence,¹⁸ we sustain the award of (a) ₱100,000.00 as civil indemnity; (b) ₱100,000.00 as moral damages; and (c) ₱100,000.00 as exemplary damages. These amounts shall earn six percent (6%) interest *per annum* from finality of this Resolution until fully paid.

WHEREFORE, the appeal is **DISMISSED** and the Court of Appeals' Decision in CA-G.R. CEB CR-HC No. 02740 dated September 8, 2020, **AFFIRMED**. Appellant **Gody Obas y Nicos** is found **GUILTY** of **QUALIFIED RAPE**. He is sentenced to *reclusion perpetua* without eligibility for parole and **ORDERED to PAY** AAA ₱100,000.00 as civil indemnity; ₱100,000.00 as moral damages; and ₱100,000.00 as exemplary damages. These amounts shall earn six percent (6%) interest *per annum* from finality of this Resolution until fully paid.

SO ORDERED.

By authority of the Court:

Misael Domingo C. Battung III
MISAELO DOMINGO C. BATTUNG III
Division Clerk of Court
GER
9/25/22

¹⁵ Article 266-B (1).

¹⁶ An Act Prohibiting the Imposition of Death Penalty in the Philippines.

¹⁷ Section 3, RA 9346.

¹⁸ See *People v. Jugueta*, 783 Phil. 806, 846 (2016).

Regional Special & Appealed Cases Unit
PUBLIC ATTORNEY'S OFFICE
3rd Floor, Taft Commercial Center
Metro Colon, Carpark, Osmeña Boulevard
Brgy. Kalubihan, 6000 Cebu City

COURT OF APPEALS
CA G.R. CEB CR HC No. 02740
6000 Cebu City

OFFICE OF THE SOLICITOR GENERAL
134 Amorsolo Street
Legaspi Village, 1229 Makati City

The Director General
BUREAU OF CORRECTIONS
1770 Muntinlupa City

The Presiding Judge
REGIONAL TRIAL COURT
Branch 58
San Carlos City, Negros Occidental
[Crim. Case No. RTC-4859]

PHILIPPINE JUDICIAL ACADEMY
Research Publications and Linkages Office
Supreme Court, Manila
[research_philja@yahoo.com]

PUBLIC INFORMATION OFFICE
Supreme Court, Manila
[For uploading pursuant to A.M. 12-7-1-SC]

LIBRARY SERVICES
Supreme Court, Manila

Judgment Division
JUDICIAL RECORDS OFFICE
Supreme Court, Manila

G.R. No. 254880
len 


URES