



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 19, 2022, which reads as follows:

“G.R. No. 258729 (*People of the Philippines v. XXX a.k.a. “Jing”*). — This is an appeal² from the January 28, 2021 Decision³ of the Court of Appeals (CA) in CA G.R. CR-HC No. 12597 which affirmed the August 15, 2018 Decision⁴ of the Regional Trial Court of ██████████, Branch 72 (RTC) in Criminal Case No. 06-31827, finding accused-appellant XXX guilty of Simple Rape as defined and penalized under Article 266-A in relation to Art. 266-B of the Revised Penal Code (RPC).

The Antecedents

On March 30, 2006, accused-appellant was charged with the crime of Rape under Art. 266-A, paragraph (1) in relation to Art. 266-B of the RPC, as amended by Republic Act No. (RA) 8353.⁵ The accusatory portion of the Information reads:

That on or about the 16th day of October 2005, in the ██████████ ██████████,⁶ and within the jurisdiction of this Honorable Court, the above-named accused, with lewd design, and by means of force, threat and intimidation, did, then and there willfully, unlawfully, and feloniously have

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. 3-6.

³ *Id.* at 9-18. Penned by Associate Justice Alfredo D. Ampuan and concurred in by Associate Justices Mariflor Punzalan Castillo and Maria Elisa Sempio Diy.

⁴ *Id.* at 21-29. Penned by Presiding Judge Ruth C. Santos.

⁵ 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.

⁶ Geographical location is blotted out pursuant to Supreme Court Amended Administrative Circular No. 83-2015.

carnal knowledge [of] [AAA],⁷ fourteen (14) years of age, against the latter's will and consent.

CONTRARY TO LAW.⁸

Accused-appellant pleaded not guilty to the charge on arraignment.⁹

Version of the Prosecution

On October 16, 2005, at around 6:00 p.m., AAA, then 14 years old, was walking on her way home when accused-appellant called her. When AAA approached him, accused-appellant suddenly embraced and kissed her, pinned her against the wall and forcibly removed her pants and underwear. He took out his penis from his short pants and inserted it into AAA's vagina.¹⁰ However, accused-appellant stopped when he heard AAA's mother, BBB, calling for her. AAA did not resist out of fear as accused-appellant threatened to kill AAA's parents and siblings if she would report the incident.¹¹ It was only on January 1, 2006 that AAA disclosed what happened to her after accused-appellant attempted to rape her again.¹²

The next day, AAA underwent a medical examination which revealed that she had deep healed laceration at 4 o'clock position, indicative of vaginal penetration.¹³

Version of the Defense

Accused-appellant denied the accusations against him. He narrated that on that day, he reported for work and left his workplace only at around 8:00 p.m. When he arrived home at about 8:30 p.m., he had his dinner and thereafter rested and watched television.¹⁴ Accused-appellant speculated that the complaint could have been impelled by ill motive because he and AAA's family had a disagreement regarding electricity tapping and payments.¹⁵

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, p. 1.

⁹ Id. at 16. RTC Order dated September 12, 2006.

¹⁰ *Rollo*, p. 22.

¹¹ Id. at 23.

¹² Id.

¹³ Id. at 24.

¹⁴ Id. at 25.

¹⁵ Id.

Ruling of the Regional Trial Court

On August 15, 2018, the RTC convicted accused-appellant of Simple Rape. The trial court found that the prosecution was able to prove all the elements necessary to sustain a conviction for the crime. It gave more weight to the prosecution's evidence as against accused-appellant's baseless denial and imputation of ill motive. The decretal portion of the RTC Decision reads:

WHEREFORE, in view of the foregoing, the accused [XXX] is hereby found **GUILTY** beyond reasonable doubt of Simple Rape under Article 266 of the Revised Penal Code and to suffer the penalty of *reclusion perpetua*. The accused is hereby ordered to pay ₱100,000.00 as civil indemnity, ₱100,000.00 as moral damages and ₱100,000.00 as exemplary damages.

SO ORDERED.¹⁶

Ruling of the Court of Appeals

In its assailed January 28, 2021 Decision,¹⁷ the CA affirmed the RTC's ruling. The dispositive portion thereof reads:

WHEREFORE, the appeal is **DENIED**. The *Decision* dated 15 August 2018 of the Regional Trial Court, Branch 72, [REDACTED], in Criminal Case No. 06-31827, is **AFFIRMED** with **MODIFICATION** in that the awards of civil indemnity, moral damages and exemplary damages are reduced from Php100,000.00 to Php75,000.00 each. All monetary awards shall earn interest of six percent (6%) per *annum* computed from the finality of this Decision until fully satisfied.

SO ORDERED.¹⁸

Hence, this appeal.

Issue

For this Court's resolution is the issue of whether accused-appellant's guilt for Rape was proven beyond reasonable doubt.

Our Ruling

This Court finds no reason to reverse accused-appellant's conviction.

In his Brief¹⁹ with the CA, accused-appellant attacked the credibility of AAA arguing that her testimony was riddled with inconsistencies.²⁰ Moreover,

¹⁶ Id. at 29.

¹⁷ Id. at 9-18.

¹⁸ Id. at 17.

¹⁹ CA *rollo*, pp. 39-49.

²⁰ Id. at 45.

the medical certificate adduced by the prosecution should not have been accorded any probative value because the doctor who prepared it was not presented in court.²¹

We find the arguments untenable.

A careful review of the records shows that there is no reason to doubt the veracity of the testimony of AAA, which was duly corroborated by the Medico-Legal Certificate presented by the prosecution.

It is a long-standing policy of this Court to give great weight to the factual findings and conclusions of the trial courts, especially when affirmed by the CA. As discussed in the case of *People v. Navasero*,²²

In rape cases, the credibility of the victim is almost always the single most important issue. If the testimony of the victim passes the test of credibility, which means it is credible, natural, convincing and consistent with human nature and the normal course of things, the accused may be convicted solely on that basis. The rule is settled that when the decision hinges on the credibility of witnesses and their respective testimonies, the trial court's observations and conclusions deserve great respect and are accorded finality, unless the records show facts or circumstances of material weight and substance that the lower court overlooked, misunderstood or misappreciated, and which, if properly considered, would alter the result of the case. This is so because trial courts are in the best position to ascertain and measure the sincerity and spontaneity of witnesses through their actual observation of the witnesses' manner of testifying, their demeanor and their behavior in court. Trial judges, therefore, can better determine if such witnesses are telling the truth, being in the ideal position to weigh conflicting testimonies. The rule finds an even more stringent application where the said findings are sustained by the CA.²³

***AAA's failure to shout for help
does not negate the commission of
Rape***

In this case, accused-appellant laments that it was impossible for AAA not to cry out for help especially when she already heard her mother's shouting when she was looking for her.

This argument does not hold water.

Prevailing jurisprudence holds that:

[D]ifferent people react differently to a given type of situation, and there is no standard form of human behavioral response when one is confronted with strange, startling or frightful experience. One person may react aggressively,

²¹ Id. at 46.

²² G.R. No. 234240, February 6, 2019.

²³ Id. Citation omitted.

while another may show cold indifference. Also, it is improper to judge the actions of children who are victims of traumatic experiences “by the norms of behavior expected under the circumstances from mature people.” x x x.

Furthermore, a victim should never be blemished for her lack of resistance to any crime especially as heinous as rape. Neither the failure to shout nor the failure to resist the act equate to a victim’s voluntary submission to the appellant’s lust.²⁴

Besides, AAA adequately explained why she did not shout for help. She testified that accused-appellant threatened to kill her family if she would report the incident. Young as she was, it was not improbable that she would believe accused-appellant’s threat. In fact, during AAA’s direct²⁵ and re-direct examination,²⁶ she reiterated that she did not know what to do because she was shaking in fear, and that she was afraid that accused-appellant would fulfill his threat. Given this, We find that AAA’s failure to seek help does not in any way disprove the allegation of rape.

Moreover, as correctly found by the trial court, it is not unlikely that accused-appellant committed the crime along an alley where there is a nearby store and that he merely leaned AAA on a neighbor’s wall. It has been consistently held that “rapists are not deterred from committing the odious act of sexual abuse by the mere presence of people nearby or even family members; rape is committed not exclusively in seclusion. Several cases instruct [Us] that lust is no respecter of time or place and rape defies constraint of time and space.”²⁷

“Thus, the fact that the subject rape incident happened in a place which was open to the view of their neighbors does not negate the fact that accused-appellant indeed raped [AAA].”²⁸

Further, the victim’s narration was likewise corroborated by the examining physician’s medical findings as to the existence of hymenal laceration. When the testimony of a rape victim is consistent with the medical findings, there is sufficient basis to conclude that there has been carnal knowledge. Laceration, whether healed or fresh, is the best physical evidence of forcible defloration.²⁹

A medical certificate is not indispensable in the prosecution for Rape

²⁴ *People v. Gacusan*, 809 Phil. 773, 784-785 (2017).

²⁵ TSN, October 30, 2007, pp. 7 and 9-10.

²⁶ TSN, January 28, 2008, p. 11.

²⁷ *People v. Jagdon, Jr.*, G.R. No. 242882, September 9, 2020, citing *People v. Agudo*, 810 Phil. 918, 929 (2017).

²⁸ *Id.*

²⁹ *People v. Clores, Jr.*, 475 Phil. 99, 107 (2004).

Even if the Court disregards the medico-legal certificate as insisted by accused-appellant since the doctor who prepared it was not presented to testify on his findings, the same would still not be sufficient to support an acquittal. "It has been repeatedly held that the medical report is by no means controlling. 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. 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. The medical examination of the victim as well as the medical certificate is merely corroborative in character."³⁰

***Accused-appellant is guilty
beyond reasonable doubt of the
crime of Rape***

The gravamen of the crime of Rape is carnal knowledge of a woman against her will. The following elements must be proven beyond reasonable doubt for the conviction of the accused in the crime of Rape: (i) that the accused had carnal knowledge of the victim; and (ii) the act was accomplished (a) through the use of force, threat, or intimidation; or (b) when the victim is deprived of reason or otherwise unconscious; or (c) when the victim is 12 years of age, or is demented.³¹

Here, the foregoing elements are all present. AAA testified that accused-appellant forcibly inserted his penis into AAA's vagina, against her will, and threatened to kill her family if she reported the incident.

Finally, between AAA's direct, positive, straightforward, and categorical testimony and accused-appellant's bare and self-serving denial, the former will prevail.

Given the foregoing, the CA correctly affirmed accused-appellant's conviction for the crime of Rape punished under Art. 266-A of the RPC.

With regard to the penalties, the penalty of *reclusion perpetua* was properly meted out on accused-appellant pursuant to Art. 266-B of the RPC. Likewise, the awards of civil indemnity, moral and exemplary damages at ₱75,000.00 each, and the imposition of six percent (6%) legal interest on all monetary awards per *annum* are in line with recent jurisprudence.³²

³⁰ *People v. Manaligod*, 831 Phil. 204, 213 (2018), citing *People v. Ferrer*, 415 Phil. 188, 199 (2001).

³¹ *People v. XXX*, G.R. No. 225781, November 16, 2020, citing *People v. Court of Appeals*, 755 Phil. 80, 103 (2015).


³² *Id.*, citing *People v. Jugueta*, 783 Phil. 806, 848 (2016) and *People v. Ramos*, 838 Phil. 797, 815 (2018).

WHEREFORE, the appeal is **DISMISSED**. The January 28, 2021 Decision of the Court of Appeals in CA G.R. CR-HC No. 12597 is **AFFIRMED**.

The filing of the parties' respective supplemental briefs as required in the Resolution dated September 27, 2022 is **DISPENSED WITH**.

SO ORDERED."

By authority of the Court:


LIBRADA C. BUENA
Division Clerk of Court

by:

MARIA TERESA B. SIBULO
Deputy Division Clerk of Court
191

NOV 03 2022

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

Court of Appeals (x)
Manila
(CA-G.R. CR-HC No. 12597)

The Hon. Presiding Judge
Regional Trial Court, Branch 72
Antipolo City, 1870 Rizal
(Crim. Case No. 06-31827)

Public Information Office (x)
Library Services (x)
Supreme Court
(For uploading pursuant to A.M.
No. 12-7-1-SC)

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 a.k.a. "Jing"
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

UR

NY