



Republic of the Philippines  
Supreme Court  
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated February 15, 2022 which reads as follows:*

“**G.R. No. 251922 (People of the Philippines vs. XXX)** — On February 7, 2009 around 11:30 in the morning, AAA<sup>1</sup> went to the house of XXX to bring food upon instruction of her sister, who wanted to return the favor because he also used to share food with her family. Thereat, XXX told AAA to place the food at the dining area. Suddenly, XXX locked the door, forcibly undressed AAA, and made her lie on the floor. AAA resisted but XXX overpowered her. Thereafter, XXX kissed AAA’s lips and cheeks, and inserted his penis into her vagina. AAA tried to kick XXX’s legs but he succeeded in consummating the bestial act. After satisfying his lust, XXX threatened AAA not to tell anyone what happened or else she and her sister would be killed. For fear that XXX would make good his threat, AAA kept to herself the painful experience. Few days after the traumatic incident or on February 10, 2009, AAA’s older sister asked her to bring food to XXX. AAA made excuses but her older sister insisted. AAA complied and went to XXX’s house. At that time, AAA refused to enter the house but XXX grabbed and pulled her inside. XXX removed AAA’s clothes, laid her on the floor, kissed her lips and cheeks, and inserted his penis into her vagina. Again, XXX threatened AAA who remained silent about the sexual violation.<sup>2</sup>

- over – eight (8) pages ...

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<sup>1</sup> The true name of the victim has been replaced with fictitious initials in conformity with Administrative Circular No. 83-2015 (Subject: Protocols and Procedures in the Promulgation, Publication, and Posting on the Websites of Decisions, Final Resolutions, and Final Orders Using Fictitious Names/Personal Circumstances). The confidentiality of the identity of the victim is mandated by Republic Act (R.A.) No. 7610 (Special Protection of Children Against Abuse, Exploitation and Discrimination Act); R.A. No. 8505 (Rape Victim Assistance and Protection Act of 1998); R.A. No. 9208 (Anti-Trafficking in Persons Act of 2003); R.A. No. 9262 (Anti-Violence Against Women and Their Children Act of 2004); and R.A. No. 9344.

<sup>2</sup> CA rollo, pp. 32-33.

The sexual abuse was repeated in the afternoon of February 15, 2009. XXX waylaid AAA while she was passing by his house. At that instance, XXX dragged AAA inside the house, undressed her, made her lie on the floor, and warned her not to make any noise. Afterwards, XXX forced his penis into AAA's vagina. AAA begged XXX to stop but he continued satisfying his carnal desire. On February 20, 2009 at around 3:15 in the afternoon, AAA's older sister requested her to deliver a bag of fresh fish to XXX's house. AAA refused and explained not to bother XXX as he had probably prepared his meal. Yet, AAA's older sister insisted, forcing AAA to comply. Again, XXX dragged AAA inside the house, laid her on the floor, and removed her clothes. AAA pleaded and pushed XXX away but he succeeded in inserting his penis into her vagina. Thereafter, XXX ordered AAA to fix herself and go home.<sup>3</sup>

On February 26, 2009 around 10:00 in the morning, XXX passed by the house of AAA who was then preparing for lunch. XXX told AAA to get her father's share in the sale of charcoal. Thus, AAA went to XXX's house and insisted for him to hand the money through the bamboo grills. However, XXX invited AAA inside the house. AAA declined reasoning that she had to return at once. As before, XXX dragged AAA inside the house, and forcibly undressed and mounted her. AAA tried to close her legs but XXX thrived in forcing his penis into her vagina. XXX deflowered AAA once again with the stern warning not to relay what happened to anyone.<sup>4</sup>

Later, AAA learned that she was pregnant. AAA then sought the help of the *barangay* officials and revealed that XXX raped her. On August 26, 2009, AAA was brought to the hospital. The examining physician certified that AAA's hymen has healed lacerations at 3 o'clock, 5 o'clock, and 9 o'clock positions, thus:

EXTERNAL GENITALIA

- (+) healed, incomplete laceration @ 3 & 5 o'clock position
- (+) healed complete laceration @ 9 o'clock position

LABORATORY RESULT: Gram stain / KOH

Vaginal Discharges:

- Negative for spermatozoa
- Moderate gram negative bacilli
- Many squamous epithelial cells

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<sup>3</sup> Id. at 33-34.

<sup>4</sup> Id. at 34.

Many pus cells  
No fungal elements are noted  
Pregnancy Test Result 08-27-09  
Positive

IMPRESSION:  
DISCLOSURE OF SEXUAL ABUSE  
MEDICAL EVALUATION SHOWS DEFINITE EVIDENCE OF  
SEXUAL CONTACT  
PREGNANCY UTERINE 28 5/7 WEEKS AOG, CNIL, G1P0  
ULTRASOUND RESULT: 08-28-09  
>SINGLE LIVE INTRAUTERINE PREGNANCY OF ABOUT  
28 +/-2 WEEKS AGE OF GESTATION IN CEPHALIC  
PRESENTATION  
>SONOGRAPHICALLY NORMAL FETAL STATUS  
>NORMOHYDRAMNIOS  
>NORMAL PLACENTA IMPLANTATION

Accordingly, XXX was charged with five (5) counts of rape through sexual intercourse before the Regional Trial Court (RTC) docketed as Criminal Case Nos. 13-1816, 13-1817, 13-1818, 13-1819, and 13-1820. The informations were similarly worded, except as to the date of the commission of the offenses, to wit:

That on or about the [7<sup>th</sup> day of February 2009; 10<sup>th</sup> day of February 2009; 15<sup>th</sup> day of February 2009; 20<sup>th</sup> day of February 2009; and 26<sup>th</sup> day of February 2009], in the Municipality of █████, Province of Guimaras, Philippines, and within the jurisdiction of the Honorable Court, the above-named accused, with deliberate intent and decided purpose by means of force, threat and intimidation, did then and there willfully, unlawfully and feloniously have carnal knowledge of one AAA, female, 24 years of age, against her will and without her consent.

CONTRARY TO LAW.<sup>5</sup>

XXX denied the charges and claimed that he had an amorous relationship with AAA. They had consensual trysts on February 7, 15, and 20, 2009. Moreover, XXX argued that AAA's delay in reporting the incidents tarnished her credibility. Worse, AAA was unsure on whether he was armed or not when the supposed sexual violations happened. Finally, it was contrary to human nature and experience for AAA to visit him often if it was true that she was raped.<sup>6</sup>

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<sup>5</sup> Id. at 15-17.

<sup>6</sup> Id. at 19.

On January 3, 2017, the RTC convicted XXX of five (5) counts of simple rape. The trial court rejected XXX's sweetheart theory and gave credence to AAA's testimonies,<sup>7</sup> viz.:

**IN VIEW WHEREOF**, the court finds accused XXX **GUILTY** beyond reasonable doubt of five (5) counts of rape. He [is] sentenced to *reclusion perpetua* for each case. He is also ordered to pay the complainant moral damages in the amount of ₱50,000.00 and civil indemnity in the amount of ₱50,000.00 for each case. Said amounts shall earn legal interest at the rate of 6% per annum from the finality of the decision until the same are fully paid. The accused who is detained shall be credited in the service of his sentence.

**SO ORDERED.**<sup>8</sup>

Aggrieved, XXX elevated the case to the Court of Appeals (CA) docketed as CA-G.R. CR-HC No. 02527. On October 30, 2019, the CA affirmed the RTC's findings with modification as to the award of damages,<sup>9</sup> to wit:

**IN LIGHT OF ALL THE FOREGOING**, the present appeal is **DISMISSED**. The Decision dated January 3, 2017 of the Regional Trial Court, [REDACTED], [REDACTED], Guimaras in Criminal Case Nos. 13-1816, 13-1817, 13-1818, 13-1819 and 13-1820, finding accused-appellant XXX guilty beyond reasonable doubt of five counts of rape, is **AFFIRMED** with **MODIFICATION** as to the award of damages. Accused-Appellant XXX is sentenced to suffer the penalty of *reclusion perpetua* for each of the five (5) counts of rape. Accused-Appellant is further ordered to pay AAA the amount of Seventy-Five Thousand Pesos ([P]75,000.00), as civil indemnity, Seventy-Five Thousand Pesos ([P]75,000.00), as moral damages, and Seventy-Five Thousand Pesos ([P]75,000.00), as exemplary damages, for each of the five (5) counts of rape.

All monetary awards shall earn interest at the legal interest rate of six percent (6%) [*per annum*] from the date of finality of this Decision until fully paid.

**SO ORDERED.**

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<sup>7</sup> Id. at 32-38; penned by Presiding Judge Rosario Abigail M. Dris-Villanueva.

<sup>8</sup> Id. at 37-38.

<sup>9</sup> *Rollo*, pp. 5-17; penned by Associate Pamela Ann Abella Maxino and concurred in by Associate Justices Marilyn B. Lagura-Yap and Alfredo D. Ampuan.

Hence, this recourse. The parties opted not to file supplemental briefs considering that all issues have already been exhaustively discussed in their pleadings before the CA. Thus, XXX maintains that the sexual acts between him and AAA were free and voluntary because they were lovers. XXX reiterates that AAA's testimonies on the alleged rapes were inconsistent and incredible. Lastly, XXX insists that AAA's delay in reporting the supposed sexual violations and her acts after the incidents are contrary to human nature and experience.<sup>10</sup>

The appeal is unmeritorious.

The elements of rape through sexual intercourse are: (1) the accused had carnal knowledge of the victim; and (2) that said act was accomplished (a) through the use of force or intimidation, or (b) when the victim is deprived of reason or otherwise unconscious, or (c) by means of fraudulent machination or grave abuse of authority, or (d) when the victim is under 12 years of age or is demented.<sup>11</sup> Here, the prosecution sufficiently established all the elements of the crimes charged. AAA categorically narrated the details of the rape incidents that transpired on February 7, 10, 15, 20, and 26, 2009, and positively identified XXX as her ravisher. AAA testified in open court that in these five occasions, XXX threatened her, forcibly undressed her, and inserted his penis into her vagina. As an element of rape, force, threat or intimidation need not be irresistible but just enough to bring about the desired result.<sup>12</sup> It is not necessary that the rape victim resisted unto death.<sup>13</sup> The rule is that resistance may be proved by any physical overt act in any degree from the offended party.<sup>14</sup> Notably, AAA protested and attempted to flee from XXX but he physically subdued her and consummated the lecherous acts. Similarly, XXX intimidated AAA with his constant threats to kill AAA and her sister should she expose the incident to anyone. The existence of hymenal lacerations based on the medical findings and testimonies of the attending physician who examined AAA further supports the fact of forcible deflorations.<sup>15</sup>

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<sup>10</sup> Id. at 20-21; and 24-25.

<sup>11</sup> *People v. Vañas*, G.R. No. 225511, March 20, 2019.

<sup>12</sup> *People v. Hilarion*, 722 Phil. 52 (2013).

<sup>13</sup> *People vs. Edem*, 428 Phil. 43 (2002).

<sup>14</sup> *People v. Rivera*, 717 Phil. 380 (2013), citing Article 266-D of the Revised Penal Code, to wit: Article 266-D. Presumptions - Any physical overt act manifesting resistance against the act of rape in any degree from the offended party, or where the offended party is so situated as to render her/him incapable of giving valid consent, may be accepted as evidence in the prosecution of the acts punished under Article 266-A.

<sup>15</sup> *People v. Banayat*, 828 Phil. 231 (2018).

More importantly, the prosecution established that XXX had carnal knowledge of AAA. XXX admitted having repeated sexual intercourse with AAA but argued that they were lovers and that these acts were free and voluntary on their part. On this score, it must be stressed that strong evidence is required to prove the affirmative defense of consensual sex,<sup>16</sup> such as love letters and pictures.<sup>17</sup> However, XXX's theory of consensual sex is barren of probative weight. XXX failed to substantiate his claim and offered only self-serving assertion without any corroborating evidence. Also, there was no proof of previous meetings or occasions between XXX and AAA to establish when and how their supposed intimate relationship blossomed. Even assuming that XXX and AAA are sweethearts, such circumstance would not necessarily translate to consent. XXX cannot force AAA to have sex against her will. A love affair neither justifies rape nor serves as license for lust.<sup>18</sup> In addition, the filing of criminal charges are not acts of a woman savoring a consensual coitus but that of a maiden seeking retribution for the outrage committed against her.<sup>19</sup> If they were really lovers, AAA would not have jeopardized their relationship by accusing XXX of having held her against her will.

Too, XXX's argument that AAA's frequent visit to his house despite the alleged previous attack on her womanhood made voluntary her submission to the criminal acts is unacceptable.<sup>20</sup> Indeed, people react to similar situations differently, and there is no standard form of human behavioral response when one is confronted with a startling or frightful experience.<sup>21</sup> It is unreasonable to demand a standard rational reaction to an irrational experience such as rape.<sup>22</sup> In this case, AAA became cautious in the presence of XXX after she was raped for the first time. AAA even made up excuses whenever she was instructed to go to XXX's house. AAA simply yielded to avoid suspicion and to protect her family members from harm. Also, AAA refused to enter XXX's house on the succeeding incidents. Furthermore, AAA visited XXX's house to deliver food only after being obliged by her sister.

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<sup>16</sup> *People v. Belo*, 637 Phil. 514 (2010).

<sup>17</sup> *People v. Corpuz*, 597 Phil. 459 (2009).

<sup>18</sup> *People v. Cabanilla*, 649 Phil. 590 (2010); *People v. Loyola*, 404 Phil. 71 (2001); *People v. Garces, Jr.*, 379 Phil. 919, (2000); *People v. Vallena*, 314 Phil. 679, (1995); *People v. Manahan*, 374 Phil. 77, (1999), citing *People v. Tismo*, 281 Phil. 593 (1991); *People v. Espiritu*, 375 Phil. 1012 (1999), citing *People v. Tayaban*, 357 Phil. 494 (1998), in turn citing *People v. Domingo*, 297 Phil. 167 (1993).

<sup>19</sup> *People v. Tacipit*, 312 Phil. 295 (1995).

<sup>20</sup> *People v. Galsim*, 421 Phil. 638 (2001).

<sup>21</sup> *People v. Barcelá*, 734 Phil. 332 (2014).

<sup>22</sup> *People v. Allan Nievera*, G.R. No. 242830, August 28, 2019, citing *People v. Pareja*, 724 Phil. 759 (2014).

However, XXX is remarkably stronger to easily drag AAA inside the house and consummate his lustful desires. Likewise, AAA's uncertainty on whether XXX was armed or not at the time the sexual violations were committed is insignificant. To recall, XXX accomplished his bestial desires through overpowering and threatening AAA into submission. Lastly, AAA's deferral in reporting the crimes does not distort the veracity of her testimonies. As intimated earlier, AAA was cowed into silence for fear that XXX might make good his threats. At any rate, the delay in prosecuting the offenses is not an indication of a fabricated charge. Many rape victims never complain or file criminal charges against the rapists. They prefer to bear the ignominy and pain, rather than reveal their shame to the world or risk the offenders' making good their threats to kill or hurt their victims.<sup>23</sup> Thus, the Court maintains the trial court's assessment of AAA's credibility as a witness absent evidence indicating that she harbored improper motive to falsely testify against XXX.<sup>24</sup>

All told, the Court fully agrees with the CA and the RTC that the prosecution has established the gravamen of the crime of rape, which is sexual congress with a woman against her will or without her consent. Accordingly, the CA and the RTC correctly convicted XXX of five (5) counts of simple rape and imposed upon him the penalty of *reclusion perpetua* for each count.<sup>25</sup> Also, pursuant to current jurisprudence,<sup>26</sup> the CA properly awarded ₱75,000.00 civil indemnity, ₱75,000.00 moral damages, and ₱75,000.00 exemplary damages for each count of rape, with interest at the rate of six percent (6%) *per annum* from date of finality of the judgment until fully paid.<sup>27</sup>

**FOR THESE REASONS**, the appeal is **DISMISSED**. The Court of Appeals' Decision dated October 30, 2019 in CA-G.R. CR-HC No. 02527 is **AFFIRMED**. Accused-appellant XXX is found **GUILTY** of five counts of simple rape and is sentenced to suffer the penalty of *reclusion perpetua* for each count. The accused-appellant is also **DIRECTED** to pay the victim the amounts of ₱75,000.00 as civil indemnity, ₱75,000.00 as moral damages, and ₱75,000.00 as exemplary damages for each count, all with legal interest at the rate of six percent (6%) *per annum* from the finality of judgment until full payment.

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<sup>23</sup> *People v. Pareja*, supra, citing *People v. Edgardo Ogarte*, 664 Phil. 642 (2011).

<sup>24</sup> *People v. Prades*, 355 Phil. 150 (1998).

<sup>25</sup> Article 266-A par. 1 in relation to Article 266-B, 1st par. of the Revised Penal Code.

<sup>26</sup> *People v. Jugueta*, 355 Phil. 150 (2016).

<sup>27</sup> *Nacar v. Gallery Frames, Jr.*, 716 Phil. 267 (2013).

The accused-appellant’s manifestation stating, among others, that his counsel received a copy of the Resolution dated February 8, 2021 which resolved to await the supplemental brief of accused-appellant as required in the Resolution dated July 28, 2020, is **NOTED.**

**SO ORDERED.”**

**By authority of the Court:**

  
**LIBRADA C. BUENA**  
Division Clerk of Court  
*m10/19*

by:

**MARIA TERESA B. SIBULO**  
Deputy Division Clerk of Court  
**286-B**  
DEC 05 2022

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(CA-G.R. CR-HC No. 02527)

The Hon. Presiding Judge  
Regional Trial Court, Branch 65  
Jordan, 5045 Guimaras  
(Crim. Case Nos. 13-1816 to 13-1820)

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