



Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Third Division, issued a Resolution dated **July 13, 2022**, which reads as follows:*

G.R. No. 224217 — PEOPLE OF THE PHILIPPINES, plaintiff-appellee, versus CESAR SANDAGON y PELAEZ, accused-appellant.

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RESOLUTION

After a careful review of the records of the case and the issues submitted by the parties, the Court finds no error committed in the Decision¹ dated April 28, 2015 (Decision) of the Court of Appeals (CA) in CA-G.R. CR-HC No. 05405. The facts, as borne out by the records, sufficiently support the conclusion that accused-appellant Cesar Sandagon y Pelaez (Sandagon) is indeed guilty of the crimes charged against him. The issues and matters raised before the Court, the same ones as those raised in the CA, there being no supplemental briefs filed, were sufficiently addressed and correctly ruled upon by the CA.

In this appeal, Sandagon reiterates his claim of innocence, anchored on the supposed incredibility of the testimony of the victim, AAA.² Sandagon faults AAA for her failure to ask for help while they were traversing the rice field using a *padyak*. He also blames AAA for not asking for help from her brother, who was just nearby, in all of the rape incidents. Even the failure of

¹ *Rollo*, pp. 2-22. Penned by Associate Justice Leoncia Real-Dimagiba, with Associate Justices Ramon R. Garcia and Maria Elisa Sempio Diy concurring.

² The identity of the victim or any information which could establish or compromise his/her identity as well as those of his/her immediate family or household members, shall be withheld pursuant to R.A. No. 7610, titled "AN ACT PROVIDING FOR STRONGER DETERRENCE AND SPECIAL PROTECTION AGAINST CHILD ABUSE, EXPLOITATION AND DISCRIMINATION, PROVIDING PENALTIES FOR ITS VIOLATION AND FOR OTHER PURPOSES," approved on June 17, 1992; R.A. No. 9262, titled "AN ACT DEFINING VIOLENCE AGAINST WOMEN AND THEIR CHILDREN, PROVIDING FOR PROTECTIVE MEASURES FOR VICTIMS, PRESCRIBING PENALTIES THEREFOR, AND FOR OTHER PURPOSES," approved on March 8, 2004; and Section 40 of A.M. No. 04-10-11-SC, otherwise known as the "RULE ON VIOLENCE AGAINST WOMEN AND THEIR CHILDREN" (November 15, 2004). (See footnote 4 in *People v. Cadano, Jr.*, 729 Phil. 576, 578 [2014], citing *People v. Lomaque*, 710 Phil. 338, 342 [2013]. See also Amended Administrative Circular No. 83-2015, titled "PROTOCOLS AND PROCEDURES IN THE PROMULGATION, PUBLICATION, AND POSTING ON THE WEBSITES OF DECISIONS, FINAL RESOLUTIONS, AND FINAL ORDERS USING FICTITIOUS NAMES/PERSONAL CIRCUMSTANCES," dated September 5, 2017.)

AAA to ask for help from the person approaching the nipa hut was pointed out by Sandagon as impacting on the credibility of AAA's testimony.

His contentions, however, are untenable.

To recall, AAA was just 11 years old at the time of the incidents. She thus could not be expected to act rationally in the situation she was put in. Moreover, it is important to point out that AAA testified that Sandagon threatened her that he would put her and her brother in a sack and throw them into a canal if she would not cooperate with him. It was therefore understandable that AAA did not ask for help even when she had the chance to because she was afraid not only of the threat against her life but also against her brother. Thus, the Court affirms the CA when it said:

It must be stressed that people may react differently to the same set of circumstances. There is no standard reaction of a victim in a rape incident. Furthermore, not every victim of rape can be expected to act with reason or in conformity with the usual expectation of everyone. The workings of a human mind placed under emotional stress are unpredictable; people react differently. Some may shout, some may faint, while others may be shocked into sensibility.

In arriving at a verdict of conviction of the accused-appellant, the court [*a quo*] gave full credence to the testimony of AAA and other prosecution witnesses[,] says the court: "The prosecution has clearly established the guilt of the accused beyond reasonable doubt. The testimonies of the victim and her brother BBB³ were categorical and spontaneous that deserve consideration by the court. In addition, the alleged incidents are supported by the medical findings of Dr. Belgira of the PNP Crime Laboratory in Region V, Medico-Legal Report No. MLB-45-07 indicated that there's a clear sign of blunt vaginal penetrating trauma. The claim of the accused that he had seen AAA only at the time he was identified in a police line-up holds no water. Both AAA and BBB have positively identified the accused not only during the police line-up but even during trial in open court.

The Court finds the details of AAA's narration of events to be resounded with sincerity and truthfulness, and must prevail over the general statements of denial by the accused. The details of her narration are consistent in all material points which was corroborated by BBB who was with her from the very start when they were picked up by the accused at the small triangle post in Barangay Sta. Cruz until the time they were left at the boundary of Ligao and Oas, Albay. **The details of her actions throughout her ordeal in the hands of the accused corresponds to normal human behavior.**

The Court also observed that private complainant is not only crying but sobbing when she was testifying in court. Her demeanor bears the sign of truth and deserves full faith. Importantly, the narration of events is well substantiated by the physical evidence presented in Court.⁴ (Emphasis and underscoring supplied)

³ Supra note 2.

⁴ *Rollo*, pp. 17-18.

As found by the lower courts, AAA unequivocally testified that Sandagon brought her and her brother in the middle of rice fields, made her sit at the back of the *padyak*, lifted her skirt and removed her panty, and inserted his finger inside her vagina. Afterwards, Sandagon inserted his penis into her vagina. AAA also testified that Sandagon was interrupted when he saw a man who was riding a bicycle was approaching the rice field, which led him to put back his short pants. Sandagon then made AAA and her brother ride the *padyak* once more and brought them to an open nipa hut where, around two hours later, he once again inserted his penis into her vagina. These acts undoubtedly constitute criminal acts of rape, not only because AAA was 11 years old at the time of the incident, but also because Sandagon accomplished the same through intimidation — by telling AAA that if she refused to comply, he would put her and her brother in a sack then he would throw them to a canal.

The Court thus agrees that Sandagon's guilt was proven beyond reasonable doubt.

The Court, however, modifies the conviction in Criminal Case No. 5452, or the case covered by the Information for "Forcible Abduction with Rape." In a long line of cases,⁵ the Court has consistently held that there can be no complex crime of forcible abduction with rape — as the rape absorbs the forcible abduction committed — when the objective of the abduction was to commit the rape. In other words, if the deprivation of liberty was only for the purpose of committing the rape, then the crime would only be rape.⁶ Here, the facts point to the conclusion that the abduction was resorted to with the objective of consummating the lewd designs that Sandagon had for his victim. In fact, he immediately set her and her brother free once the lewd designs were accomplished.

Accordingly, Sandagon's conviction in Criminal Case No. 5452 should only be for Rape by Sexual Assault, not "Forcible Abduction with Rape." Following *People v. Tulagan*,⁷ considering that the victim was 11 years old at the time of the incident, the nomenclature of the crime should be "Sexual Assault under paragraph 2, Article 266-A of the Revised Penal Code, in relation to Section 5(b), Article III of Republic Act No. 7610." In addition, the Court affirms Sandagon's conviction for two counts of Rape (by sexual intercourse) arising from the Informations in Criminal Case Nos. 5453 and 5454.

As regards damages, the Court also deems it proper to modify the amount of damages imposed against Sandagon in accordance with prevailing jurisprudence.⁸ For the crime of "Sexual Assault under paragraph 2, Article

⁵ *People v. Sabaclab*, 684 Phil. 269 (2012); *Garces v. People*, 554 Phil. 683 (2007); *People v. Muros*, 467 Phil. 474 (2004); *People v. Egan*, 432 Phil. 74 (2002); *People v. Mejorada*, G.R. No. 102705, July 30, 1993, 224 SCRA 837, 852; *People v. Godines*, 274 Phil. 173 (1991).

⁶ See *U.S. v. De Vivar*, 29 Phil. 451 (1915).

⁷ G.R. No. 227363, March 12, 2019, 896 SCRA 307.

⁸ See *People v. Jugueta*, 783 Phil. 806 (2016); and *People v. Tulagan*, *id.*

266-A of the Revised Penal Code, in relation to Section 5(b), Article III of Republic Act No. 7610,” Sandagon is ordered to pay AAA civil indemnity, moral damages, and exemplary damages in the amount ₱50,000.00 each. Meanwhile, the awards of civil indemnity, moral damages, and exemplary damages for the two counts of Rape should be increased to ₱75,000.00 each, for each count of rape. A legal interest of 6% *per annum* is likewise imposed from the finality of this Resolution until full satisfaction.⁹

The Court thus affirms the conviction of Sandagon for the crimes charged.

WHEREFORE, premises considered, the Court hereby **ADOPTS** the findings of fact and conclusions of law in the Decision dated April 28, 2015 of the Court of Appeals in CA-G.R. CR-HC No. 05405. The said Decision is **AFFIRMED** with **MODIFICATION** as the Court finds accused-appellant Cesar Sandagon y Pelaez guilty beyond reasonable doubt for the crimes of Sexual Assault under paragraph 2, Article 266-A of the Revised Penal Code, in relation to Section 5(b), Article III of Republic Act No. 7610, and two (2) counts of Rape, defined and punished under Article 266-A(1) of the Revised Penal Code, as amended.

For Criminal Case No. 5452, Sandagon is hereby sentenced to suffer the indeterminate penalty of twelve (12) years, ten (10) months and twenty-one (21) days of *reclusion temporal*, as minimum, to fifteen (15) years, six (6) months and twenty-one (21) days of *reclusion temporal*, as maximum. For Criminal Case Nos. 5453 and 5454, Sandagon is sentenced to suffer the penalty of *reclusion perpetua*.

He is likewise ordered to pay the victim AAA:

- (a) FIFTY THOUSAND PESOS (₱50,000.00) as civil indemnity, FIFTY THOUSAND PESOS (₱50,000.00) as moral damages, and FIFTY THOUSAND PESOS (₱50,000.00) as exemplary damages, in Criminal Case No. 5452;
- (b) SEVENTY-FIVE THOUSAND PESOS (₱75,000.00) as civil indemnity, SEVENTY-FIVE THOUSAND PESOS (₱75,000.00) as moral damages, and SEVENTY-FIVE THOUSAND PESOS (₱75,000.00) as exemplary damages, in Criminal Case No. 5453;
- (c) SEVENTY-FIVE THOUSAND PESOS (₱75,000.00) as civil indemnity, SEVENTY-FIVE THOUSAND PESOS (₱75,000.00) as moral damages, and SEVENTY-FIVE

⁹ Id.

THOUSAND PESOS (P75,000.00) as exemplary damages, in Criminal Case No. 5454.

All monetary awards shall earn interest at the legal rate of six percent (6%) *per annum* from the date of 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 23 7/13/22

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