



Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Third Division, issued a Resolution dated **August 10, 2022**, which reads as follows:*

“G.R. No. 261548 [formerly UDK-17513] (XXX¹ v. People of the Philippines). – The Court:

- (1) formally **DOCKETS** the instant case; and
- (2) **GRANTS** the motion for an extension of thirty (30) days within which to file a petition for review on *certiorari*, counted from the expiration of the reglementary period with **WARNING THAT THE SAME SHALL BE THE LAST AND NO FURTHER EXTENSION WILL BE GIVEN.**

Filed before the Court is a Petition for Review on *Certiorari*² under Rule 45 of the Rules of Court seeking to reverse and set aside the Decision³ dated February 3, 2021 and Resolution⁴ dated October 14, 2021 of the Court of Appeals (CA) in CA-G.R. CR-HC No. 02104-MIN. The challenged Decision affirmed the Joint Decision⁵ dated May 21, 2018 of the Regional Trial Court (RTC), Branch 22 (████████ Cotabato) in Crim. Case Nos. 09-160 and 09-161 finding XXX (petitioner) guilty beyond reasonable doubt of

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 Amended Administrative Circular No. 83-2015 dated September 5, 2017.

² *Rollo*, pp. 12-28.

³ Id. at 32-48; penned by Associate Justice Richard D. Mordeno with Associate Justices Edgardo A. Camello and Evalyn M. Arellano-Morales, concurring.

⁴ Id. at 50-53.

⁵ Id. at 55-68; penned by Acting Presiding Judge Alandrex M. Betoya.

two (2) counts of Rape under Article 266-A(1)(a)⁶ in relation to Art. 266-B⁷ of the Revised Penal Code (RPC). The assailed Resolution denied petitioner’s motion for reconsideration.

The Antecedents

Through two separate Informations, petitioner was charged with two counts of Rape, allegedly committed as follows:

Crim. Case No. 09-160

That sometime in June, 2003, in the Municipality of [REDACTED], and within the jurisdiction of this Honorable Court, the said accused, with lewd design, through force and intimidation, did then and there willfully, unlawfully, and feloniously have a (sic) sexual intercourse with AAA, a minor, who is only fifteen (15) years old, against her will.

CONTRARY TO LAW.⁸

Crim. Case No. 09-161

That sometime in January, 2009, in the Municipality of [REDACTED], and within the jurisdiction of this Honorable Court, the said accused, with lewd design, through force and intimidation, did then and there willfully, unlawfully, and feloniously have a (sic) sexual intercourse with AAA, a minor, who is only fifteen (15) years old, against her will.

CONTRARY TO LAW.⁹

On arraignment, petitioner pleaded not guilty. Pre-trial and trial ensued.¹⁰

The prosecution presented as witnesses (1) the victim, AAA; (2) AAA’s mother, BBB; and (3) Dr. Giovanni A. Posadas (Dr. Posadas), a Rural

⁶ Article 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;
x x x x
⁷ Article 266-B. *Penalties. —* Rape under paragraph 1 of the next preceding article shall be punished by *reclusion perpetua*.
⁸ *Rollo*, pp. 33-34.
⁹ *Id.* at 34.
¹⁰ *Id.*

Health Physician designated as the Municipal Health Officer of the Local Government of ██████████¹¹

The defense, on the one hand, presented (1) petitioner; (2) Ronie Esquerida (Esquerida), petitioner's neighbor; and (3) CCC, petitioner's spouse.¹²

Version of the prosecution

As summed up by the CA, evidence for the prosecution established the following:

[AAA] x x x narrated that she was born on 4 February 1994. She lives with her parents and siblings in ██████████. She testified that she knew [petitioner] because he was a family friend whom she referred to as "uncle." She also knew the [petitioner] as the buyer of their family's rubber produce and, at the same time, a ricefield [sic] worker. She said that the [petitioner] raped her several times when she was a minor but can only recall two (2) incidents thereof, *i.e.* in June 2003, when she was only nine (9) years old and in January 2009, when she was fifteen (15) years old.

In June 2003, she recalled that her father instructed her to pass by the house of the [petitioner] on her way to school to tell him to pick-up their rubber produce. When she reached [petitioner's] house, [petitioner] suddenly grabbed her, held her hand, covered her mouth and forcibly dragged her inside. She was too scared since [petitioner] was armed with a scythe that he picked up from a table. She was told to lie down. Thereafter, [petitioner] undressed her and held her legs. She struggled and shouted "no!" She felt helpless. He then inserted his penis into her vagina. She cried while [petitioner] made a push and pull movement. After he satisfied his carnal lust, he told her to hurry up as her parents might be looking for her. She kept mum about the horrible incident since the [petitioner] threatened to kill her. Although shocked and distraught by what happened to her, she still went to attend her classes.

In January 2009, she remembered that she was in the reservoir taking a bath. When she was done, she put on her school uniform. Then she noticed that [petitioner] was in the bamboo grove a few meters away from her. Suddenly, he grabbed her and put a scythe on her throat. He made her lie down on a sack along the bamboo grove and undressed her. [Petitioner] thrust his penis into her vagina, and satisfied his carnal lust until he ejaculated. She tried to ward off the [petitioner] with both of her hands but she did not succeed. After that, he told her to hurry off since she might be late for school and said, "*Kon manugid ka, patayon ta ka!*" ("If you are going to tell anyone, I will kill you!") When she got home that afternoon, she confided to her mother about the repeated incidents of rape committed

¹¹ Id.

¹² Id.

by the [petitioner] to her, some of which she could not even recall as to when they exactly happened.

On 2 February 2009, she was again at the reservoir, [Petitioner] again appeared and grabbed her with a bolo in his hand. Fortunately, her mother was with her and saw that she was being dragged away by him. This prompted the latter to scurry away from them.

On 6 February 2009, her mother brought her to the Municipal Health Office and submitted her for medical examination. She was examined by [Dr. Posadas], the Rural Health Physician in the municipality. He issued a Medical Certificate with the impression that the victim has a healed hymen laceration at 3 o'clock position.¹³

Version of the defense

Petitioner interposed denial and alibi as his defenses. He denied meeting AAA in the dates alleged in the Informations. He denied having raped AAA in his house because his wife is always around, thus, it was impossible for him to commit the alleged Rape. Petitioner's wife, CCC, also testified that it was impossible for petitioner to rape AAA in the reservoir because there are many people who bathe therein, and it was AAA's sister who initiated the filing of the charges against petitioner because of the latter's refusal to lend money to the former. Petitioner's neighbor, Esquerida, testified that petitioner's son-in-law approached him for help in settling the case and he heard rumors that AAA's family was asking for money.¹⁴

In his Brief before the CA, petitioner further asserted that:

[He] raises ducks and [is] a tenant of a rice field in their barrio. He lived in a house together with his wife, CCC, and their grandchild.

[Petitioner] and [AAA] were close family friends since they were neighbors considering that the distance between their houses is approximately fifty (50) meters away. However, the good relationship between [the] two families turned sour and was tainted when the [petitioner] could no longer afford to lend them money and rice.

[AAA's] family [was] angered and insulted over the refusal made by the [petitioner]. Due to the said incident, the sister of [AAA] initiated the filing of the x x x criminal charges.¹⁵

¹³ Id. at 34-36.

¹⁴ Id. at 57.

¹⁵ Id. at 36.

The RTC Decision

On May 9, 2018, the RTC rendered a Joint Decision,¹⁶ the dispositive portion of which reads:

WHEREFORE, this Court finds and so holds **XXX** to be guilty beyond reasonable doubt of the crime of rape and hereby sentences him to suffer the following:

1. **In Crim. Case 09-160** finding [petitioner] guilty beyond reasonable doubt of the crime of Rape he is hereby sentenced to suffer the penalty of reclusion perpetua. *In the light of recent jurisprudence to pay AAA the amount of P100,000.00 as civil indemnity; P100,000.00 as moral damages; P100,000.00 as exemplary damages with interest rate of 6% per annum from the date of the finality of this Decision until fully paid.*
x x x
2. **In Crim. Case 09-161** finding [petitioner] guilty beyond reasonable doubt of the crime of Rape he is hereby sentenced to suffer the penalty of reclusion perpetua. *In the light of recent jurisprudence to pay AAA the amount of P100,000.00 as civil indemnity; P100,000.00 as moral damages; P100,000.00 as exemplary damages with interest rate of 6% per annum from the date of the finality of this Decision until fully paid.*
x x x

SO ORDERED.¹⁷

The RTC held that all the elements of Rape under Art. 266-A (1) (a) of the RPC were established by the prosecution, to wit: (1) AAA testified that petitioner had sexual intercourse with her in June 2003 and January 2009 by inserting his penis into her vagina; (2) such sexual intercourse was effected through force and intimidation when petitioner, while holding a scythe in both incidents, threatened AAA and told her thereafter not to tell anyone of what happened; otherwise, he will kill her.¹⁸

The RTC also found AAA credible despite the defense's insistence that her testimony was marred with inconsistencies. The RTC observed that AAA's testimony was straightforward and clear.¹⁹ She was consistent in her declaration that petitioner raped her on the two occasions subject of the Informations. Even under cross-examination, AAA did not waver.²⁰ The RTC held that inconsistencies bearing on minor details do not affect AAA's credibility and did not negate the fact that petitioner raped her twice.²¹

¹⁶ Id. at 55-68.

¹⁷ Id. at 67-68.

¹⁸ Id. at 58-63.

¹⁹ Id. at 59.

²⁰ Id. at 62.

²¹ Id. at 64.

Anent petitioner's defenses of denial and alibi, the RTC ruled that such defenses are inherently weak and are worthless in the face of AAA's positive identification of petitioner as the perpetrator of the subject Rapes. While CCC, petitioner's wife, testified as to the impossibility of the commission of the subject Rapes, CCC's testimony nonetheless faded into insignificance in view of petitioner's admission that he sometimes goes to the reservoir to take a bath and that if one hides among the bamboo trees, he/she cannot be seen. Petitioner also failed to present clear and convincing evidence that he was in a place other than the scene of the subject Rapes at the time of their commission.²²

The CA Decision

On appeal, the CA, through the challenged Decision²³ affirmed with modifications the RTC Joint Decision, *viz.*:

WHEREFORE, this Court finds and so holds [petitioner] to be guilty beyond reasonable doubt of the crime of rape and hereby sentences him to suffer the following:

1. In **Crim. Case 09-160**, finding [petitioner] guilty beyond reasonable doubt of the crime of Rape as defined and penalized (*sic*) under Article 266-A (1) (a) and penalized under Article 266-B of the [RPC], sentences him to suffer the penalty of *reclusion perpetua*; and to pay AAA the amount of P75,000.00 as civil indemnity; P75,000.00 as moral damages; P75,000.00 as exemplary damages with interest rate at 6% per annum from the date of the finality of this Decision until fully paid.

2. In **Crim. Case 09-161**, finding [petitioner] guilty beyond reasonable doubt of the crime of Rape as defined and penalized (*sic*) under Article 266-A (1) (a) and penalized under Article 266-B of the [RPC], sentences him to suffer the penalty of *reclusion perpetua*; and to pay AAA the amount of P75,000.00 as civil indemnity; P75,000.00 as moral damages; P75,000.00 as exemplary damages with interest rate at 6% per annum from the date of the finality of this Decision until fully paid.

SO ORDERED.²⁴

The CA sustained the RTC's finding on AAA's credibility and disregarded petitioner's arguments on AAA's alleged unnatural behavior and the failure of her teachers to notice anything unusual after the commission of the subject Rapes. The CA held that no standard form of behavior can be anticipated of a rape victim as people react differently to emotional stress, and

²² Id. at 64-66.

²³ Id. at 32-48.

²⁴ Id. at 47-48.

rape victims are no different from them.²⁵ That the exact date of the commission of the subject Rapes was not particularly alleged in the Informations is immaterial, for the date or time of the commission of rape is not a material ingredient of the crime and need not be stated with absolute accuracy.²⁶ As regards the purported inconsistencies in AAA's testimony, the CA ruled that they do not impair her credibility because they refer to trivial matters that do not alter the essential fact of the commission of the Rape.²⁷ Rejecting petitioner's denial and unsubstantiated alibi, the CA further held that said defenses deserve no weight in law in view of the affirmative and credible testimony of AAA.²⁸ The same is true with respect to petitioner's imputation of ill motive against AAA and her family. The CA opined that it is highly incredible that AAA's parents would sacrifice her, who was young and barely of age when they filed the criminal charges, to concoct a fabricated story just because they were denied help by the victim.²⁹

Petitioner moved for reconsideration but was denied by the CA through the assailed Resolution.³⁰

The Present Petition

Petitioner is now before the Court *via* the present Rule 45 petition in his final plea to overturn his conviction. Petitioner ascribes error to the CA in affirming the RTC Decision convicting him of two (2) counts of Rape. He asserts, in the main, that the RTC and the CA erred in finding that the lone testimony of AAA, *sans* any physical evidence, proved beyond reasonable doubt his alleged carnal knowledge of AAA through force and intimidation.³¹

The Court's Ruling

At the onset, petitioner failed to pay docket and other legal fees.³²

Records show that petitioner filed by registered mail³³ a Motion for Extension of Time to File Petition for Review on *Certiorari* with enclosed Postal Money Order Check Nos. 0700102116, 0700102117, and 0700102118 in the total amount of ₱5,300.00, payable to the Court.³⁴ However, said checks had become stale and were returned to sender.³⁵

²⁵ Id. at 43.

²⁶ Id. at 44.

²⁷ Id. at 45.

²⁸ Id.

²⁹ Id. at 46.

³⁰ Id. at 50-53.

³¹ Id. at 15.

³² Id. at 10.

³³ Id. at 6-7.

³⁴ Id. at 2 and 8.

³⁵ Id. at 1-2.

Further, in the recent case of *People v. Olpindo*,³⁶ the Court has settled that in cases where the penalty of *reclusion perpetua* or life imprisonment is imposed not by reason of R.A. No. 9346,³⁷ appeal shall be made by filing a **notice of appeal** either before the RTC or the CA, as the case may be, pursuant to Section 3(c), Rule 122 of the Rules of Court.³⁸ **If the accused files a petition for review on certiorari under Rule 45 of the Rules of Court, only questions of law may be raised.** However, based on the interests of substantial justice, a petition for review on *certiorari* that raises questions of fact may be treated as an ordinary appeal in order to throw the whole case open for review.³⁹

An examination of the present petition reveals that the issues raise therein are questions of fact that are generally beyond the Court's jurisdiction in a Rule 45 petition. Settled is the rule that this Court is not a trier of facts. Petitioner's arguments on AAA's credibility, the alleged impossibility of the commission of the subject Rapes, and the failure of AAA's medical examination to sufficiently show that she was raped by petitioner involve factual matters that had been considered and discussed by the CA in the challenged Decision and Resolution.⁴⁰

Even if the Court treats the petition as an ordinary appeal, the result would still be the same.

Well-settled is the rule that in the absence of facts or circumstances of weight and substance that would affect the result of the case, appellate courts will not overturn the factual findings of the trial court. Thus, when the case pivots on the issue of the credibility of the witnesses, the findings of the trial courts necessarily carry great weight and respect as they are afforded the unique opportunity to ascertain the demeanor and sincerity of witnesses during trial.⁴¹ The rule finds an even more stringent application when the RTC's findings are affirmed by the CA,⁴² as in the present case.

Here, both the RTC and the CA found AAA and her testimony credible to prove the subject Rapes. The RTC ruled that the manner in which AAA testified, not once wavering in her declaration that petitioner raped her, makes her a credible witness.⁴³ The CA also noted that AAA was called to the witness stand for her direct examination on June 1, 2010 and four times for

³⁶ G.R. No. 252861, February 15, 2022.

³⁷ An Act Prohibiting the Imposition of Death Penalty in the Philippines, June 24, 2006.

³⁸ *People v. Olpindo*, supra.

³⁹ Id.

⁴⁰ *Rollo*, pp. 39-43 and 51-52.

⁴¹ *People v. Fontalba, Jr.*, G.R. No. 252459, February 15, 2022.

⁴² See *People v. Olpindo*, supra.

⁴³ *Rollo*, p. 62.

her cross-examination on June 2-3, 2010, July 15, 2010, and September 2, 2010. Despite the repeated requests for continuance for the taking of her testimony, AAA never faltered, hesitated or wavered in her recount notwithstanding the trauma it caused her. During the examination, the judge noted how AAA shed tears when she was subjected to grueling examinations on the witness stand.⁴⁴

Time and again, this Court has held that when the offended parties are young and immature girls, as in this case, courts are inclined to lend credence to their version of what transpired, considering not only their relative vulnerability, but also the shame and embarrassment to which they would be exposed if the matter about which they testified were not true. A young girl would not usually concoct a tale of defloration; publicly admit having been ravished and her honor tainted; allow the examination of her private parts; and undergo all the trouble and inconvenience, not to mention the trauma and scandal of a public trial, had she not in fact been raped and been truly moved to protect and preserve her honor, and motivated by the desire to obtain justice for the wicked acts committed against her.⁴⁵

From the foregoing, petitioner's futile attempt to discredit AAA's testimony was aptly brushed aside by the CA.⁴⁶ The CA also did not err in disregarding petitioner's arguments on the alleged impossibility of the commission of the subject Rapes.⁴⁷ Apart from being speculative, petitioner's arguments failed to negate the positive and categorical assertions of AAA. Anent the inconsistencies in AAA's testimony,⁴⁸ the Court sustains the RTC and the CA's ruling that said inconsistencies pertain to minor details and do not delve on the elements of Rape, which were sufficiently proven by the prosecution.⁴⁹

Finally, petitioner's assertion that AAA's medical examination did not conclusively show that he had carnal knowledge of AAA likewise fails to persuade. To be sure, the medical examination of the victim is not indispensable in the prosecution of Rape cases.⁵⁰ The lone testimony of the victim in a Rape case, if credible, is enough to sustain a conviction,⁵¹ more so in this case where AAA's testimony is corroborated by Dr. Posadas, who testified that AAA's healed hymen laceration was probably caused by the insertion of a blunt object, such as a penis.⁵² Indeed, while a medical

⁴⁴ Id. at 39-40.

⁴⁵ *People v. XXX*, G.R. No. 218912, April 28, 2021.

⁴⁶ *Rollo*, pp. 42-43.

⁴⁷ Id. at 45.

⁴⁸ Id. at 18-21 and 23-26.

⁴⁹ Id. at 58-63 and 39-41.

⁵⁰ *People v. XXX*, supra note 45.

⁵¹ *People v. XXX*, G.R. No. 225781, November 16, 2020.

⁵² *Rollo*, p. 67.

examination of the victim is not indispensable in the prosecution of a Rape case, and no law requires a medical examination for the successful prosecution of the case, the medical examination conducted and the medical certificate issued are veritable corroborative pieces of evidence, which strongly bolster the victim's testimony.⁵³

WHEREFORE, premises considered, the petition is **DENIED**. The Decision dated February 3, 2021 and Resolution dated October 14, 2021 of the Court of Appeals in CA-G.R. CR-HC No. 02104-MIN are **AFFIRMED**.

SO ORDERED.”

By authority of the Court:

Misael Domingo C. Battung III
MISAELO DOMINGO C. BATTUNG III
Division Clerk of Court 11/3/22

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The Presiding Judge
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(Crim. Case Nos. 09-160 and 09-161)

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⁵³ *People v. XXX*, supra note 51.

examination of the victim is not indispensable in the prosecution of a Rape case, and no law requires a medical examination for the successful prosecution of the case, the medical examination conducted and the medical certificate issued are veritable corroborative pieces of evidence, which strongly bolster the victim's testimony.⁵³

WHEREFORE, premises considered, the petition is **DENIED**. The Decision dated February 3, 2021 and Resolution dated October 14, 2021 of the Court of Appeals in CA-G.R. CR-HC No. 02104-MIN are **AFFIRMED**.

SO ORDERED.”

By authority of the Court:

Misael Domingo C. Battung III
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⁵³ *People v. XXX*, supra note 51.