



Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, Third Division, issued a Resolution dated September 7, 2022, which reads as follows:

“G.R. No. 254378 – PEOPLE OF THE PHILIPPINES, Plaintiff-Appellee, v. DONALD DATU y DIMALANTA, Accused-Appellant.

On appeal is the 22 June 2020 Decision¹ of the Court of Appeals (CA), in CA-G.R. CR-HC No. 11330, which affirmed the 18 April 2018 Decision² of the Regional Trial Court (RTC), Branch 52, Guagua, Pampanga, in Criminal Case No. G-07-7573, finding accused-appellant Donald Datu y Dimalanta guilty of the crime of Rape with Homicide.

In an Information³ dated 13 November 2007, accused-appellant Datu (Datu) was charged with the crime of Rape with Homicide in relation to Republic Act No. 7610⁴(R.A. 7610), the accusatory portion of which reads:

“That on or about the 12th day of November 2007, at Sitio XXX, Brgy. XXX, (Municipality of) XXX (Province of) XXX, and within the jurisdiction of this Honorable Court, the above-named accused DONALD DIMALANTA DATU, with lewd designs, and through violence, force and intimidation, did then and there willfully, unlawfully and feloniously sexually abuse (sic) AAA, a 14-year old minor, by having carnal knowledge with her, and that by reason or on the occasion thereof, accused killed said AAA by stabbing her with the use of pointed object, piercing her heart, and striking her several times with a blunt object that hit her forehead, breaking her skull, which mortal wounds caused her instantaneous death.

Contrary to law.”⁵

Datu pleaded not guilty⁶ to the charge. Thereafter, trial ensued.

¹ Rollo, pp. 4-19.

² CA, Rollo, pp. 70-81.

³ Records, p.3.

⁴ An Act Providing for Stronger Deterrence and Special Protection Against Child Abuse, Exploitation and Discrimination, and for Other Purposes, as amended by Republic Act No. 9231, Otherwise Known as the Special Protection of Children Against Child Abuse, Exploitation, and Discrimination Act. Approved on 19 December 2003.

⁵ Records, p. 3.

⁶ CA, Rollo, p. 70.

*The Facts**The Version of the Prosecution*

On the evening of 11 November 2007, Datu asked CCC that he be allowed to sleep in their house at Sitio XXX, Brgy. YYY, ZZZ, Pampanga. CCC allowed Datu to sleep in their house and informed his wife, BBB, of such arrangement. CCC lives with his wife BBB and their two children, AAA⁷ and DDD.⁸ At around 4:00 a.m. the next day, Datu woke up AAA and told her that they will buy *pandesal* for breakfast. Thus, together with DDD, AAA and Datu left to buy *pandesal*.⁹

Thereafter, DDD went home and told BBB that he was instructed by Datu to go home, and that AAA rode a mountain bike with Datu.¹⁰ When AAA did not return home, BBB started to look for her. BBB went to Datu's house to ask about AAA's whereabouts, as he was the last person seen with her.¹¹ Datu told BBB that AAA was in the nearby irrigation area. At that point, BBB noticed that Datu had soil on his face and hair, as well as blood and scratches.¹²

Upon arriving at the irrigation area, Datu showed BBB AAA's slippers.¹³ Immediately thereafter, BBB noticed that Datu had disappeared. BBB then went to the *barangay* captain to report that AAA was missing.¹⁴ Subsequently, the *barangay* captain received information that a body was found at the irrigation area.¹⁵ When BBB went to the irrigation area, she found AAA's body floating in the water.

According to the Medico-Legal Report No. MLC-432-07 of Police Chief Inspector Dr. Jude L. Doble¹⁶ (**Dr. Doble**), who conducted the autopsy on AAA's body, the cause of death is hemorrhagic shock

⁷ The identity of the victims or any information which could establish or compromise their identities, as well as those of their immediate family or household members, shall be withheld pursuant to R.A. 7610, titled "AN ACT PROVIDING FOR STRONGER DETERRENCE AND SPECIAL PROTECTION AGAINST CHILD ABUSE, EXPLOITATION AND DISCRIMINATION, AND FOR OTHER PURPOSES," approved on June 17, 1992; R.A. 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 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.

⁸ *Rollo*, p. 6.

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *Records*, p. 14.

because of a blunt traumatic injury to the head and stab wound to the thorax, and the genital findings were compatible with sexual abuse.¹⁷

The Version of the Defense

Datu interposed the defense of outright denial and claimed that on 12 November 2007, he was at his parents' house for a vacation when suddenly, police officers arrived thereat and arrested him without a warrant in relation to the rape and killing of AAA.¹⁸

The Ruling of the RTC

In its Decision,¹⁹ dated 18 April 2018, the Regional Trial Court (RTC), Branch 52, Guagua, Pampanga, found accused-appellant Datu guilty beyond reasonable doubt of the crime of Rape with Homicide, the dispositive portion of which reads:

“**WHEREFORE**, this court (a) **FINDS** accused Donald Dimalanta Datu guilty beyond reasonable doubt of rape with homicide; (b) **SENTENCES** him to *reclusion perpetua* without eligibility for parole; (c) **GRANTS** to the heirs of the victim exemplary damages of P100,000.00, civil indemnity of P100,000.00, moral damages of P100,000.00; and temperate damages of P50,000.00; and (d) **IMPOSES** interest of 6% *per annum* on all the damages herein awarded reckoned from the finality of this decision.

SO ORDERED.”²⁰ (emphasis not ours)

The RTC considered circumstantial evidence to convict Datu. According to the RTC, the circumstances proven were consistent with each other and established with moral certainty that Datu was guilty of the crime charged.²¹

Aggrieved, Datu appealed to the CA, claiming that the RTC erred in convicting him of rape with homicide based on circumstantial evidence despite the inconsistent testimony of the private complainant.²²

The Ruling of the CA

In its Decision,²³ dated 22 June 2020, the CA affirmed the conviction of Datu, as follows:

¹⁷ *Rollo*, p. 6.
¹⁸ *Id.*, p. 71.
¹⁹ *Id.*, pp. 70-81.
²⁰ *Id.*, p. 81.
²¹ *Id.*, p. 72.
²² *Id.*, p. 7.
²³ *Id.*, pp. 4-19.

“**WHEREFORE**, the instant appeal is **DENIED**. The assailed Decision dated April 18, 2018 of the Guagua, Pampanga Regional Trial Court, Branch 52, in Criminal Case No. G-07-7573 finding Donald Datu y Dimalanta guilty for the crime of Rape with Homicide which sentenced him to suffer the penalty of imprisonment of *reclusion perpetua* without eligibility for parole is hereby **AFFIRMED en toto**.

SO ORDERED.”²⁴ (emphasis not ours)

The CA ruled that the evidence of the prosecution sufficiently proved the guilt of Datu beyond reasonable doubt, despite there being no direct evidence as to the manner by which the rape was committed.²⁵ The CA held that the circumstances established by the prosecution undoubtedly lead to the inevitable conclusion that Datu is the author of the crime charged.²⁶

The CA likewise agreed with the RTC in relying on the testimony of BBB which, according to the RTC, was unwavering and credible.²⁷ On the other hand, the CA ruled that Datu’s defenses of alibi and denial deserve scant consideration as Datu was not able to prove that it was physically impossible for him to have been at the place of the commission of the crime at the time it took place.²⁸

Datu now comes to this Court to seek the reversal of the CA Decision.

The Issue

Was the guilt of Datu proven beyond reasonable doubt?

The Ruling of the Court

In seeking the reversal of the challenged Decision, Datu mainly contends that the CA erred in convicting him of the crime of Rape with Homicide based on circumstantial evidence, and that the autopsy report was not identified by the medico-legal officer.

The Court sustains Datu’s conviction.

In a special complex crime of rape with homicide, the following elements must concur: 1) the accused had carnal knowledge of a woman; 2) carnal knowledge of a woman was achieved by means of force, threat or intimidation; and 3) by reason or on occasion of such carnal knowledge by means of force, threat or intimidation, the accused killed the woman.²⁹

²⁴ Id., p. 18.

²⁵ Id., p. 9.

²⁶ Id., p. 10.

²⁷ Id., p. 12.

²⁸ Id., p. 16.

²⁹ *People v. Nanas*, 415 Phil. 683, 696, 21 August 2001.

It is well established that in the special complex crime of rape with homicide, both the rape and the homicide must be proven beyond reasonable doubt. The crime of rape is difficult to prove because it is generally an unwitnessed crime, and only the victim is left to testify for herself. Proving the crime becomes even more difficult when the special complex crime of rape with homicide is committed because the victim could no longer testify.³⁰ Thus, resort to circumstantial evidence is unavoidable.³¹

The commission of the crime of rape may be proven not only by direct evidence, but also by circumstantial evidence.³² Circumstantial evidence are “proof of collateral facts and circumstances from which the existence of the main fact may be inferred according to reason and common experience.”³³

Rule 133, Section 4, of the Revised Rules on Evidence³⁴ provides the requirements for circumstantial evidence to be sufficient to sustain a conviction:

Section 4. Circumstantial evidence, when sufficient. –
Circumstantial evidence is sufficient for conviction if:

- (a) There is more than one circumstance;
- (b) The facts from which the inferences are derived are proven; and
- (c) The combination of all the circumstances is such as to produce a conviction beyond reasonable doubt.

Admittedly, nobody witnessed the actual rape and killing of AAA. However, the confluence of the circumstances linking Datu to the commission of the crime leads to no other conclusion but culpability on his part because direct evidence is not the only matrix where a trial court may draw its conclusion and finding of guilt.³⁵

Jurisprudence is replete with pronouncements that direct evidence is not a condition *sine qua non* to prove the guilt of the accused beyond reasonable doubt. In *Dungo, et al. v. People of the Philippines*, the Court explained thus:

“xxx Direct evidence is not a condition *sine qua non* to prove the guilt of the accused beyond reasonable doubt. For in the absence of direct evidence, the prosecution may resort to adducing circumstantial evidence to discharge its burden. Crimes are usually committed in secret and under conditions where concealment is highly probable. If direct evidence is insisted on under all circumstances, the prosecution of vicious felons who commit heinous crimes in secret or secluded places will be hard, if not impossible, to prove.”³⁶

³⁰ Id.

³¹ Id.

³² *People v. Belgar*, 742 Phil. 404, 415, 8 September 2014.

³³ *People v. Broniola*, 762 Phil. 186, 194, 29 June 2015.

³⁴ RULES OF COURT, REVISED RULES ON EVIDENCE, Rule 133, Sec. 4.

³⁵ *Salvador v. People*, 581 Phil. 430, 439, 23 July 2008.

³⁶ *Dungo, et al. v. People of the Philippines*, 762 Phil. 630, 678-679, 1 July 2015.

In this case, the Court agrees with the RTC, as affirmed by the CA, that the chain of circumstances established by the prosecution sufficiently pointed to Datu as the perpetrator of the rape and killing of AAA:

- 1) "In the evening of November 11, 2007, accused slept in BBB's house where AAA was also sleeping;
- 2) At about 4:00 in the morning of November 12, 2007, accused (a) woke up AAA when the latter was sleeping in BBB's house; (b) told her to accompany him to buy bread for breakfast; and[,] (c) left said house with AAA and DDD during the same morning;
- 3) BBB was later informed by DDD that accused (a) instructed him to go back to the house; and[,] (b) with AAA rode away on a mountain bike;
- 4) Accused did not go back to BBB's house or bring AAA back to said house after luring AAA outside the same on the pretense that they would buy bread together;
- 5) Accused went to his grandmother's house after AAA went with him instead of returning AAA to BBB's house;
- 6) When she was looking for AAA, BBB saw accused in the latter's grandmother's house with his clothes and body dirty with soil, and his face and neck with scratches and blood;
- 7) When BBB asked him where AAA was, accused did not explain to BBB why he did not go back to BBB's or return AAA to BBB's house after bringing AAA with him to buy bread for breakfast;
- 8) Accused showed to BBB AAA's slippers at the irrigation area where AAA's body was subsequently found;
- 9) BBB noticed that after showing her said slippers, accused left or disappeared without telling her or helping her look for AAA;
- 10) Accused did not go to the barangay captain or police authorities in order to tell them that he did not know the whereabouts of AAA when the latter went missing. His failure to reveal the same is unnatural for an innocent person will at once naturally and emphatically repel an accusation of crime as a matter of self-preservation and self-defense and as a precaution against prejudicing himself. A person's silence therefore, particularly when it is persistent, will justify that he is not innocent. (See *People v. Pilones*, 84 SCRA 167 [1978]);
- 11) Police authorities had to look for and arrest accused after the discovery of AAA's body. Such act of flight by accused strongly indicate his consciousness of guilt;
- 12) During the autopsy conducted by Dr. Doble on AAA's cadaver, the physician concluded that the cause of death is hemorrhage and shock (sic) as a result of blunt traumatic injury of the head and stab wound of the thorax; and that the genital findings compatible with sexual abuse; and[,]
- 13) AAA was raped and killed after being with accused."³⁷

The foregoing factual circumstances lead to no other conclusion than Datu was the author of the gruesome crime. Datu's conviction is anchored on the series of circumstantial evidence against him. The evidence presented by the prosecution show an unbroken chain which leads to the conclusion that Datu, and no one else, is the guilty person.

³⁷ *Rollo*, pp. 8-9.

There is likewise no showing that the RTC erred in giving credence to BBB's testimony. As testified to by BBB, she heard Datu wake up her daughter AAA, and asked her to buy bread with him.³⁸ BBB also claimed that when AAA went missing, Datu showed her AAA's slippers, but subsequently vanished and was nowhere to be found.³⁹ The CA likewise held that there was no reason for BBB to falsely identify Datu and there was no motive for her to lie.⁴⁰

The Court held in *People v. Baron*⁴¹ that the factual findings of the trial court and its evaluation of the credibility of the witnesses and their testimonies are entitled to great respect and will not be disturbed on appeal, unless the trial court is shown to have overlooked, misapprehended, or misapplied any fact or circumstance of weight and substance.

The Medico-Legal Report issued by Dr. Doble, who concluded that the genital findings were compatible with sexual abuse, should be given weight and credence.

Dr. Doble, a government doctor, is competent to examine persons and issue medico-legal reports. It must be noted that public officers enjoy the presumption of regularity in the discharge of one's official duties and functions.⁴² Thus, in the absence of evidence to the contrary, such presumption must stand.⁴³

Moreover, the Medico-Legal Report is a public document. Hence, in the absence of evidence to the contrary, Dr. Doble's conclusion that the findings were compatible with sexual abuse, is conclusive. This is sanctioned by Section 23, Rule 132 of the Revised Rules on Evidence, which states:

Section. 23. *Public documents as evidence.* – Documents consisting of entries in public records made in the performance of a duty by a public officer are *prima facie* evidence of the facts therein stated. All other public documents are evidence, even against a third person, of the fact which gave rise to their execution and of the date of the latter.⁴⁴

Finally, even assuming *arguendo* that Dr. Doble was not able to identify the Medico-Legal Report in open court, the same falls under one of the exceptions to the hearsay rule.⁴⁵

Section 46, Rule 130 of the Revised Rules on Evidence provides:

³⁸ Id., p. 76.

³⁹ Id., p. 74.

⁴⁰ Id., p. 13.

⁴¹ 776 Phil. 734, 11 January 2016, citing *People v. De Jesus*, 695 Phil. 114, 122, 17 September 2012.

⁴² *Gatmaitan v. Gonzales*, 525 Phil. 658, 671, 26 June 2006.

⁴³ Id.

⁴⁴ RULES OF COURT, REVISED RULES ON EVIDENCE, Rule 132, Sec. 23.

⁴⁵ *People v. Banderas*, G.R. No. 241780, 12 October 2020.

Section 46. *Entries in official records.* – Entries in official records made in the performance of his or her duty by a public officer of the Philippines, or by a person in the performance of a duty specially enjoined by law, are *prima facie* evidence of the facts stated therein.⁴⁶

Therefore, the Medico-Legal Report issued by Dr. Doble is *prima facie* proof of sexual abuse. It was incumbent upon Datu to present countervailing evidence to overthrow this presumption. Datu failed to do so.

There is thus no error in the RTC's and the CA's conclusion that Datu is guilty beyond reasonable doubt of the crime of Rape with Homicide of the 14-yearold child, AAA.

WHEREFORE, the appeal filed by accused-appellant Donald Datu y Dimalanta is **DENIED**. The Decision, dated 18 April 2018, of the Court of Appeals, in CA-G.R. CR-HC No. 11330, finding accused-appellant Donald Datu y Dimalanta guilty beyond reasonable doubt of the special complex crime of Rape with Homicide, is **AFFIRMED**.

SO ORDERED.”

By authority of the Court:

Misael C. Battung III
MISAELO DOMINGO C. BATTUNG III
Division Clerk of Court 01-24-23

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(Crim. Case No. G-07-7573)

The Superintendent
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⁴⁶ RULES OF COURT, REVISED RULES ON EVIDENCE, Rule 130, Sec. 46.


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