



Republic of the Philippines  
Supreme Court  
Manila

SECOND DIVISION

PEOPLE OF THE G.R. No. 252252  
PHILIPPINES,


*Plaintiff-Appellee,*

- versus -

EDUARDO M. PAGUIO,  
*Accused-Appellant.*

LEONEN, S.A.J., Chairperson,  
LAZARO-JAVIER,\*  
LOPEZ, M.  
LOPEZ, J., and  
KHO, JR., JJ.

Promulgated:

JUN 13 2022 

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DECISION

**KHO, JR., J.:**

Before the Court is an ordinary appeal<sup>1</sup> assailing the Decision<sup>2</sup> dated June 18, 2018 of the Court of Appeals (CA) in CA-G.R. CR HC No. 07745, which affirmed the Judgment<sup>3</sup> dated July 28, 2015 of the Regional Trial Court of Mariveles, Bataan,<sup>4</sup> Branch 4 (RTC) in Crim. Case No. ML-1577, convicting accused-appellant Eduardo M. Paguio (Paguio) of the crime of Rape, as defined and penalized under Article 266-A (1), in relation to Article 266-B, of the Revised Penal Code (RPC), as amended.

\* On official leave.

<sup>1</sup> See Notice of Appeal dated July 2, 2018, *rollo*, p. 14-15.

<sup>2</sup> Id. at 3-13. Penned by Associate Justice Maria Elisa Sempio Diy with Associate Justices Jose C. Reyes, Jr. (now a retired Member of the Court) and Pablito A. Perez, concurring.

<sup>3</sup> CA *rollo*, pp. 62-69. Penned by Presiding Judge Emmanuel A. Silva.

<sup>4</sup> Stationed in Balanga City.



### The Facts

This case stemmed from an Information filed before the RTC charging Paguio of the crime of Rape, the accusatory portion of which reads:

That on or about May 2, 1999 at [REDACTED] Bataan, Philippines, and within the jurisdiction of this Honorable Court, the said accused, thru force and intimidation, and with the use of a deadly weapon, did then and there willfully, unlawfully and feloniously lie and succeed in having sexual intercourse with AAA,<sup>5</sup> against the will and consent of the latter to her damage and prejudice.<sup>6</sup>

The prosecution alleged that at around eight (8) o'clock in the evening of May 2, 1999, AAA, then 21 years of age, was watching television at the house of her cousin, when she saw Paguio outside, looking through the window. AAA asked what Paguio was doing, to which the latter replied, "Nothing." Suddenly, Paguio went around the house, surreptitiously went inside, and pinned down AAA. Paguio then removed their clothing, pointed a knife on AAA's neck, and told her not to shout or else he would kill her. Thereafter, Paguio went on top of AAA and inserted his penis into her vagina. After satisfying his lustful desires, Paguio ordered AAA to put back her clothes and then he ran away. After undergoing such ordeal, AAA just cried. She also noticed that there were bloodstains on her underwear. AAA then told her mother about the incident, prompting the latter to make the former undergo a medico-legal examination, and to report the matter to the authorities.<sup>7</sup>

For his part, Paguio invoked the defenses of denial and alibi. He claimed that at around four (4) o'clock in the afternoon of May 2, 1999, he went to the house of a friend to celebrate the town fiesta. At around seven (7) o'clock in the evening, they went to the plaza to watch the fiesta singing contest, which lasted until 1 o'clock in the morning of the following day. According to Paguio, he and his friends were supposed to go somewhere else after the singing contest, but they were unable to do so due to lack of transportation, so he just decided to go home at three (3) o'clock in the morning and sleep. Finally, Paguio testified that he does not know of any reason why private complainant would accuse him of raping her.<sup>8</sup>

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<sup>5</sup> Pursuant to the mandate on confidentiality of proceedings involving rape victims under A.M. No. 12-7-15-SC dated July 21, 2015 and the ruling in *People v. Cabalquinto* (533 Phil. 703 [2006]), the names of the rape victim, as well as her relatives are withheld and instead, fictitious initials are used to represent them. To note, the unmodified CA Decision is not attached to the *rollo* to verify the real identity of the victim.

<sup>6</sup> *Rollo*, p. 4.

<sup>7</sup> *Id.* at 4-5.

<sup>8</sup> *CA rollo*, p. 64.

### The RTC Ruling

In a Judgment<sup>9</sup> dated July 28, 2015, the RTC found Paguio guilty beyond reasonable doubt of the crime charged, and accordingly, sentenced him to suffer the penalty of *reclusion perpetua* without eligibility for parole, and ordered him to pay AAA the amounts of ₱75,000.00 as civil indemnity, ₱75,000.00 as moral damages, and ₱30,000.00 as exemplary damages.

In so ruling, the RTC found that the prosecution, through AAA's straightforward, credible, and trustworthy testimony, was able to prove that Paguio indeed had carnal knowledge of her against her will and consent. In this regard, the RTC ratiocinated that AAA's clear, categorical, and positive identification of Paguio as the perpetrator outweighed the latter's defenses of denial and alibi.<sup>10</sup>

As to the imposable penalty on Paguio, the RTC pointed out that since his use of a deadly weapon to consummate the crime was duly alleged in the information and proven at the trial, he should be penalized with the penalty of death. However, since the death penalty is no longer imposed due to the enactment of Republic Act No. (RA) 9346,<sup>11</sup> he should be penalized instead with *reclusion perpetua* without eligibility for parole.<sup>12</sup>

Aggrieved, Paguio appealed<sup>13</sup> to the CA.

### The CA Ruling

In a Decision<sup>14</sup> dated June 18, 2018, the CA affirmed Paguio's conviction with modification, increasing the monetary awards due to AAA to ₱100,000.00 as civil indemnity, ₱100,000.00 as moral damages, and ₱100,000.00 as exemplary damages, all with legal interest at the rate of 6% per annum from the date of finality of the ruling until full payment.<sup>15</sup>

The CA held that all the elements of the crime have been duly proven, and that there was no cogent or compelling reason to justify a deviation from the findings and conclusions of the RTC, both of which were based on the facts and the law.<sup>16</sup>

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<sup>9</sup> Id. at 62-69.

<sup>10</sup> Id. at 65-67.

<sup>11</sup> Entitled "AN ACT PROHIBITING THE IMPOSITION OF DEATH PENALTY IN THE PHILIPPINES." (approved on June 24, 2006).

<sup>12</sup> CA *rollo*, p. 68.

<sup>13</sup> Dated August 7, 2015; id. at 26.

<sup>14</sup> *Rollo*, pp. 3-13.

<sup>15</sup> Id. at 12.

<sup>16</sup> Id. at 8-11.

Hence, this appeal.

### The Issue Before the Court

The issue for the Court's resolution is whether or not Paguio is guilty beyond reasonable doubt of the crime charged.

### The Court's Ruling

The appeal lacks merit.

At the outset, it must be stressed that in criminal cases, an appeal throws the entire case wide open for review and the reviewing tribunal can correct errors, though unassigned in the appealed judgment, or even reverse the trial court's decision based on grounds other than those that the parties raised as errors. The appeal confers the appellate court full jurisdiction over the case and renders such court competent to examine records, revise the judgment appealed from, increase the penalty, and cite the proper provision of the penal law.<sup>17</sup>

Guided by the foregoing consideration, the Court affirms Paguio's conviction, with modification as to the penalty to be imposed and his civil liability *ex delicto*, as will be explained below.

Article 266-A (1) (a) of the RPC reads:

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

Thus, the elements of Rape are: (a) the offender had carnal knowledge of the victim; and (b) such act was accomplished through force or intimidation, or when the victim is deprived of reason or otherwise unconscious, or when the victim is under 12 years of age.<sup>18</sup>

In this case, the courts *a quo* correctly ruled that through AAA's straightforward, credible, and trustworthy testimony, she clearly,

<sup>17</sup> *Sindac v. People*, 794 Phil. 421, 427 (2016).

<sup>18</sup> See *People v. Tubilio*, 811 Phil. 525, 533 (2017).

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categorically, and positively identified Paguio as the one who ravished her on the date of the incident. In the absence of any ill-motive on the part of AAA that would make her falsely testify against Paguio, her candid narration of the incident deserves full faith and credence. In this regard, case law instructs that “[i]t is the most natural reaction for victims of criminal violence to strive and see the looks and faces of their assailant and observe the manner in which the crime was committed. Most often the face of the assailant and his body movements create lasting impressions which cannot be easily erased from their memory. When there is no evidence to show any improper motive on the part of the prosecution witness to testify against the accused or to falsely implicate him in the commission of a crime, the logical conclusion is that the testimony is worthy of full faith and credence.”<sup>19</sup> Furthermore, no woman in her right mind will admit to having been raped, allow an examination of her most private parts, and subject herself, as well as her family, to the humiliation and shame concomitant with a rape prosecution, unless the charges are true,<sup>20</sup> as in this case.

In view of the foregoing, the Court finds no reason to overturn the courts *a quo*'s finding of criminal liability against Paguio, as there was no showing that the courts *a quo* overlooked, misunderstood, or misapplied the surrounding facts and circumstances of the case.<sup>21</sup>

Anent the proper penalty to be imposed on Paguio, pertinent portions of Article 266-B of the RPC, as amended, read:

Article 266-B. *Penalty.* – Rape under paragraph 1 of the next preceding article shall be punished by *reclusion perpetua*.

Whenever the rape is committed with the use of a deadly weapon or by two or more persons, the penalty shall be *reclusion perpetua* to death.

As correctly found by the courts *a quo*, Paguio's use of a knife to consummate the crime of Rape was duly alleged in the Information and proven at the trial; and hence, the same should be appreciated against him. It should be pointed out, however, that the effect of the appreciation of such circumstance would only result in the increase of the prescribed penalty from “*reclusion perpetua*” to “*reclusion perpetua* to death,” and will not automatically result in the imposition of the death penalty. Under this scenario, there should be an additional aggravating circumstance that was duly alleged in the Information and proven at the trial in order to justify the imposition of capital punishment, which is not the case here. As such, the courts *a quo* erred in imposing the death penalty (which was commuted to *reclusion perpetua* without eligibility for parole pursuant to RA 9346) on

<sup>19</sup> See *People v. Arellano*, 397 Phil. 307 (2000).

<sup>20</sup> See *People v. Bandoquillo*, 825 Phil. 753 (2018); citations omitted.

<sup>21</sup> See *People v. Cruz*, 714 Phil. 390 (2013).

Paguio. In the absence of such additional aggravating circumstance, Paguio should only be sentenced with *reclusion perpetua*.<sup>22</sup>

In light of the modification of Paguio's sentence, the monetary awards due to AAA should likewise be adjusted as follows: (a) ₱75,000.00 as civil indemnity; (b) ₱75,000.00 as moral damages; and (c) ₱75,000.00 as exemplary damages, all with legal interest at the rate of 6% per annum from the date of finality of this Decision until full payment, pursuant to prevailing jurisprudence.<sup>23</sup>

**WHEREFORE**, the appeal is **DISMISSED**. Accused-appellant Eduardo M. Paguio is found **GUILTY** beyond reasonable doubt of the crime of Rape with the Use of a Deadly Weapon, as defined and penalized under Article 266-A (1) in relation to Article 266-B of the Revised Penal Code, as amended. Accordingly, he is sentenced to suffer the penalty of *reclusion perpetua*, and ordered to pay AAA the amounts of ₱75,000.00 as civil indemnity, ₱75,000.00 as moral damages, and ₱75,000.00 as exemplary damages, all with legal interest at the rate of six percent (6%) per annum from the date of finality of this Decision until full payment.

**SO ORDERED.**

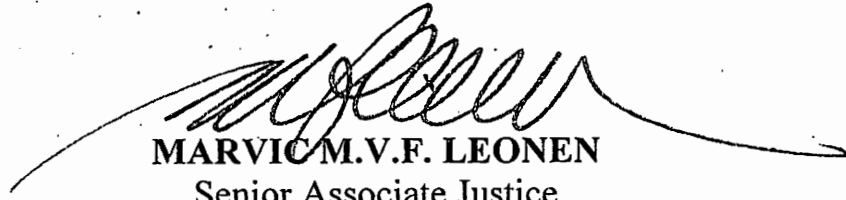
  
**ANTONIO T. KHO, JR.**  
Associate Justice

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<sup>22</sup> See *People v. Gahi*, 727 Phil. 642, 663 (2014).

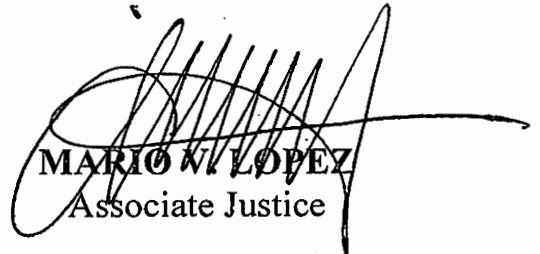
<sup>23</sup> See *People v. Jugueta*, 783 Phil. 806, 848-849 (2016).

**WE CONCUR:**



**MARVIC M.V.F. LEONEN**  
Senior Associate Justice  
Chairperson

On official leave  
**AMY C. LAZARO-JAVIER**  
Associate Justice



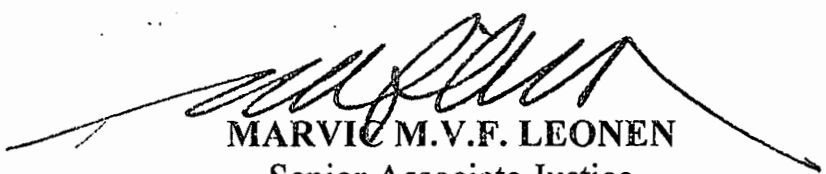
**MARIO N. LOPEZ**  
Associate Justice



**JHOSEP V. LOPEZ**  
Associate Justice

**ATTESTATION**

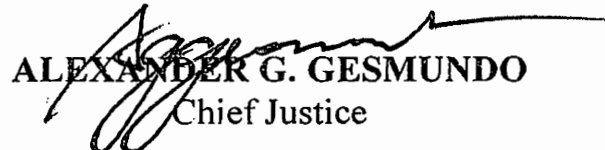
I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



**MARVIC M.V.F. LEONEN**  
Senior Associate Justice  
Chairperson, Second Division

**CERTIFICATION**

Pursuant to Section 13, Article VIII of the Constitution, and the Division Chairperson's Attestation, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



**ALEXANDER G. GESMUNDO**  
Chief Justice