



Republic of the Philippines
Supreme Court
Manila

***CORRECTED COPY**

THIRD DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, Third Division, issued a Resolution dated April 26, 2021, which reads as follows:

G.R. No. 246979 (*People of the Philippines v. YYY*). – Before this Court is an ordinary appeal under Rule 122 of the Rules of Court seeking to assail the Decision¹ dated December 11, 2018 rendered by the Court of Appeals (*CA*), which affirmed the conviction of accused- appellant *YYY* for the crime of Rape defined and penalized under Article 266-A of the Revised Penal Code (*RPC*), but modified the amount of damages awarded to conform with the pronouncement of this Court in *People v. Jugueta*.²

After a judicious scrutiny of the case, the Court resolves to DISMISS the appeal for failure to sufficiently show that the *CA* committed any reversible error in its assailed Decision as to warrant the exercise of the Court's appellate jurisdiction.

FACTS

The prosecution presented *AAA*, the 12-year-old goddaughter of *YYY*, and Police Criminal Investigator Charyl Escaro (*PCI Escaro*), whose combined testimonies established that on June 21, 2016, around 12:00 noon, while *AAA* was on her way to school, she saw her godfather, *YYY*, alighted from his tricycle, immediately approached and wrapped his right arm on her shoulder while he held a knife against her.³ He instructed *AAA* to board the tricycle which the latter heeded out of fear.⁴ He brought her to his house, locked her inside the room, and forced her to drink a glass of water which made her unconscious.⁵ When *AAA* woke up, she found that her lower garments were missing and that her vagina was in pain.⁶ Less than a week after such encounter, *YYY* repeated the ordeal on June 27, 2016.⁷

¹ *Rollo*, pp. 3-10.

² *Id.* at 9.

³ *Id.* at 4.

⁴ *Id.* at 4-5.

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

* *The name of the accused-appellant should be concealed as YYY.*

PCI Escaro examined AAA and found a deep healed laceration at the 6 o'clock position in AAA's hymen, which she concluded could have been caused by the insertion of a blunt object, which includes an erect penis.⁸

YYY denied the allegation and insisted that AAA and another female friend usually hang out with their boyfriends in his house.⁹ He claimed that AAA is angry with him because he would curse her whenever she and her friends hang out in his house.¹⁰

RTC Ruling

In a Decision¹¹ dated February 14, 2017, the Regional Trial Court (*RTC*) of Valenzuela City, Branch 270, found YYY guilty beyond reasonable doubt of two (2) counts of Rape. For this reason, the *RTC* meted on him the penalty of *reclusion perpetua*, and ordered him to indemnify AAA in the following amounts for each count of Rape: (a) ₱50,000.00 as exemplary damages and (b) ₱50,000.00 as moral damages.¹²

The *RTC* held that the testimony of the victim, who was 12 years of age at the time of the incident, against her godfather, as substantiated by the report of the Medico-Legal Officer that lacerations were found in her hymen, competently established the circumstances from which YYY's guilt is anchored.¹³

Not satisfied with the aforesaid ruling, YYY appealed to the *CA*.¹⁴

CA Ruling

In a Decision¹⁵ dated December 11, 2018, the *CA* affirmed the conviction of YYY but modified the amount of damages awarded to conform with the pronouncement of this Court in *People v. Jugueta*,¹⁶ and thus awarded: a) ₱75,000.00 as civil indemnity, b) ₱75,000.00 as moral damages; and c) ₱75,000.00 as exemplary damages for each count of Rape. Moreover, the *CA* awarded interest at the rate of six percent (6%) *per annum* from the date of

⁸ *Id.*

⁹ *Id.* at 5-6.

¹⁰ *Id.* at 6.

¹¹ Penned by Honorable Presiding Judge Evangelina M. Francisco; *CA rollo*, pp. 48-53.

¹² *Id.* at 53.

¹³ *Id.*

¹⁴ *Rollo*, p. 6.

¹⁵ *Rollo*, pp. 3-10. Penned by Associate Justice Germano Francisco D. Legaspi, with Associate Justices Sesinando E. Villon and Edwin D. Sorongon concurring.

¹⁶ 783 Phil. 806 (2016).

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finality of the Decision until full payment, pursuant to the rule laid down by this Court in *Nacar v. Gallery Frames*.¹⁷

In affirming YYY's conviction, the CA held that he can be convicted even if the sole witness against him was AAA inasmuch as the RTC found her testimony to be credible, convincing, and consistent with human nature and the normal course of things.¹⁸ The Court sees no reason to deviate from the well-entrenched rule that in matters of credibility of witnesses, the assessment made by the trial court should be respected, since it is in the best and unique position to pass upon and assess the credibility of the witnesses by virtue of its direct opportunity to observe them first hand and note their demeanor, conduct, and attitude under rigorous examination.¹⁹

Measured against AAA's positive identification of YYY as the offender, the latter interposed only the defense of alibi, which is an intrinsically weak defense that deserves no weight in law, if unsubstantiated by clear and convincing evidence.²⁰

YYY filed his Notice of Appeal,²¹ but he manifested, through counsel, that he would no longer file supplemental briefs and, instead, adopt his Appellant's Brief filed before the CA.²² Meanwhile, the filing of appellee's supplemental brief was dispensed with by this Court.²³

The sole issue for this Court's resolution is whether YYY's guilt for the crime of Rape has been proven beyond reasonable doubt.

Our Ruling

The appeal lacks merit.

YYY was charged with and convicted of two (2) counts of Rape, defined and penalized under Article 266-A, paragraph 1(b) of the RPC, which states:
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:

¹⁷ 716 Phil. 267 (2013).

¹⁸ *Rollo*, p. 8.

¹⁹ *Id.*

²⁰ *Id.*

²¹ *Id.* at 14.

²² *Id.* at 20.

²³ *Id.* at 26-27.

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b) When the offended party is deprived of reason or otherwise unconscious.

Prescinding therefrom, the elements of Rape under Article 266-A, paragraph (1)(b) of the RPC, as amended, are: (1) the act is committed by a man; (2) that said man had carnal knowledge of a woman; and (3) that such act was accomplished when the offended party is deprived of reason or otherwise unconscious.

In reviewing rape cases, We are guided by the following well-entrenched principles: (1) an accusation for rape can be made with facility: it is difficult to prove but more difficult for the person accused, though innocent, to disprove it; (2) in view of the intrinsic nature of the crime of rape where only two persons are usually involved, the testimony of the complainant must be scrutinized with extreme caution; and (3) the evidence for the prosecution must stand or fall on its own merits, and cannot be allowed to draw strength from the weakness of the evidence for the defense.²⁴

Along this line, the determination of the credibility of the offended party's testimony is a most basic consideration in every prosecution for rape, for the lone testimony of the victim, if credible, is sufficient to sustain the verdict of conviction.²⁵ Thus, primordial consideration is given to the credibility of a victim's testimony.²⁶ In this regard, when the issue is one of credibility of witnesses, appellate courts will generally not disturb the findings of the trial court, considering that the latter is in a better position to decide the question as it heard the witnesses themselves and observed their deportment and manner of testifying during trial.²⁷ The rule is even more stringently applied if the appellate court has concurred with the trial court.²⁸

A careful examination of the records would show that there is nothing that would warrant a reversal of the Decisions of the CA and the RTC.

Notably, the Court in *People v. Nuyok*,²⁹ ruled that “[the] commission [of rape] can be established by circumstantial evidence even if the victim, being the sole witness, was rendered unconscious during its commission.”

²⁴ *People v. Mabalo*, G.R. No. 238839, February 27, 2019, citing *People v. Padilla*, 617 Phil. 170, 182-183 (2009); *People v. Ramos*, 577 Phil. 297, 304 (2008).

²⁵ *Id.*, citing *People v. Peralta*, 619 Phil. 268, 273 (2009).

²⁶ *People v. Concepcion*, 829 Phil. 275, 286 (2018).

²⁷ *People v. Mabalo*, *supra* note 21, citing *Remiendo v. People*, 618 Phil. 273, 287 (2009).

²⁸ *People v. Castillo*, G.R. No. 242276, February 18, 2020, citing *People v. Barcelá*, 734 Phil. 332, 342-343 (2014).

²⁹ 759 Phil. 437, 443 (2015).

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In the same vein, the Court in *People v. ZZZ*,³⁰ held that “a resort to circumstantial evidence is usually necessary in proving the commission of rape xxx because the crime ‘is generally unwitnessed and very often only the victim is left to testify for [him or] herself.’”

Circumstantial evidence, also known as indirect or presumptive evidence, consists of proof of collateral facts and circumstances from which the existence of the main fact may be inferred according to reason and common experience. It is sufficient to sustain a conviction if: (a) there is more than one circumstance; (b) the facts from which the inferences were derived have been established; and (c) the combination of all circumstances is such as to warrant a finding of guilt beyond reasonable doubt.³¹

The prosecution proved all the elements of the crime by presenting circumstantial evidence which consists of: a) the lone testimony of AAA, and b) the medical findings of the examining physician.

AAA’s testimony established that in two (2) separate occasions, YYY forced her to board his tricycle, took her to his house, made her drink a glass of water which made her unconscious, woke up thereafter without her lower garments, and felt pain in her vagina.³²

When a woman, especially a minor, alleges rape, “she says in effect all that is necessary to mean that she has been raped.”³³ In *People v. Dalipe*,³⁴ the Court thus held:

[A] young girl's revelation that she had been raped, coupled with her voluntary submission to medical examination and willingness to undergo public trial where she could be compelled to give out the details of an assault on her dignity, cannot be so easily dismissed as mere concoction.

It is also well to note that AAA’s positive identification of YYY as the one who raped her is corroborated by the result of the medico-legal examination conducted on her, which showed that she sustained deep-healed laceration at the 6 o’clock position in her hymen, which the examining physician declared to have been caused by the insertion of a blunt object, such as an [erect] penis.³⁵ **The lacerations sustained by [the victim] in her vagina could have been caused by a penetration, show that carnal knowledge happened.**³⁶ **Lacerations,**

³⁰ G.R. No. 228828, July 24, 2019.

³¹ *People v. Nuyok*, *supra* note 26 at 451.

³² *CA rollo*, pp. 51-52.

³³ *People v. Pusing*, 789 Phil. 541, 556 (2016).

³⁴ 633 Phil. 428, 448 (2010), cited in *People vs. Pusing*, *supra*.

³⁵ *Rollo*, p. 5.

³⁶ *People v. Pusing*, *supra* note 30, at 557, citing *People v. Brondial*, 397 Phil. 663, 668 (2000).

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whether fresh or healed, are the best physical evidence of rape.³⁷ Hence, the testimony of a rape victim that is consistent with the medical findings constitutes sufficient basis to conclude that carnal knowledge occurred.³⁸

YYY discredits AAA's testimony by asserting that the rape charges were simply filed out of hatred.

The Court remains unswayed.

AAA's credibility cannot be diminished or tainted by [an] imputation of ill motives.³⁹ In *People of the Philippines v. VVV*,⁴⁰ the Court declared that **"motives such as family feuds, resentment, hatred, or revenge have never convinced the Court from giving full credence to the testimony of a minor rape victim."** In *People v. Manuel*,⁴¹ the Court stressed:

Evidently, no woman, least of all a child, would concoct a story of defloration, allow examination of her private parts and subject herself to public trial or ridicule if she has not, in truth, been a victim of rape and impelled to seek justice for the wrong done to her being. x x x.

As against these pieces of evidence, all that YYY offered in defense were denials and alibis, "defenses which jurisprudence has long considered weak and unreliable."⁴² To reiterate, both the RTC and the CA unanimously found AAA's testimony as credible. Thus, the Court must not depart from their unanimous findings. In sum, the prosecution has successfully established the elements of the crime.

WHEREFORE, the Court **ADOPTS** the findings of fact and conclusions of law of the Court of Appeals' Decision dated December 11, 2018 in CA G.R. CR-HC No. 09227, and **AFFIRMS** said Decision finding accused-appellant YYY guilty beyond reasonable doubt of two (2) counts of Rape, as defined and penalized under Article 266-A of the Revised Penal Code, sentencing him to suffer the penalty of *reclusion perpetua*, and ordering him to pay AAA the following amounts for each count of Rape: a) the amount of ₱75,000.00 as civil indemnity; b) ₱75,000.00 as moral damages; and c) ₱75,000.00 as exemplary damages; with legal interest at the rate of six percent (6%) *per annum* on all amounts due from the finality of this Resolution until full payment.

³⁷ *Id.* (Emphasis supplied).

³⁸ *People v. Nuyok*, *supra* note 26, at 450, citing *People v. Hilarion*, 722 Phil. 52, 55 (2013). (Emphasis supplied).

³⁹ *People v. VVV*, G.R. No. 230222, June 22, 2020.

⁴⁰ *Id.*, citing *Dizon v. People*, 616 Phil. 498, 515 (2009), citing *People v. Audine*, 539 Phil. 583, 605 (2006). (Emphasis supplied).

⁴¹ *Id.*, citing *People v. Manuel*, 358 Phil. 664, 674 (1998).

⁴² *People v. Pusing*, *supra* note 30, citing *People v. Liwanag, et al.*, 415 Phil. 271, 295 (2001).

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SO ORDERED.

By authority of the Court:

Misael C. Batt
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Division Clerk of Court *mb*

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G.R. No. 246979

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