



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 28, 2022, which reads as follows:

“G.R. No. 251578 (*People of the Philippines v. Cesar Monsato Alcaya*). – This is an appeal of the Decision¹ dated November 29, 2018 of the Court of Appeals (CA) in CA-G.R. CR HC No. 02285. The CA ruling affirmed the Decision² dated May 5, 2016 of the Regional Trial Court (RTC) of ██████████, Cebu, Branch ██████, in Criminal Case No. TCS-6819.

The Antecedent Facts

An Information dated June 9, 2010 was filed charging Cesar Monsato Alcaya (Alcaya) for the crime of Rape committed against AAA,³ a 15-year-old minor. The dispositive portion of the Information states:

That on the 5th day of June 2010, at around 7:00 o'clock in the evening at ██████████, and within the jurisdiction of this Honorable Court, the above-named accused, with lewd design, and with force and intimidation, did then and there willfully, unlawfully and feloniously, lie and succeed in having carnal knowledge to one ██████████, a 15 year old minor, against her will and consent, which acts are prejudicial to the

¹ *Rollo*, pp. 5-21; penned by Associate Justice Louis P. Acosta, with Associate Justices Pamela Ann Abella Maxino and Dorothy P. Montejo-Gonzaga, concurring.

² *CA rollo*, pp. 30-45; penned by Presiding Judge Ruben F. Altubar.

³ The identity of the victim or any information that could establish or compromise her identity, as well as those of her immediate family or household members, shall be withheld pursuant to Republic Act (R.A.) No. 7610, entitled “AN ACT PROVIDING FOR STRONGER DETERRENCE AND SPECIAL PROTECTION AGAINST CHILD ABUSE, EXPLOITATION AND DISCRIMINATION. AND FOR OTHER PURPOSES”; R.A. No. 9262, entitled “AN ACT DEFINING VIOLENCE AGAINST WOMEN AND THEIR CHILDREN, PROVIDING FOR PROTECTIVE MEASURES FOR VICTIMS, PRESCRIBING PENALTIES THEREFORE, AND FOR OTHER PURPOSES”; 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); and Amended Administrative Circular No. 83-2015, entitled “Protocols And Procedures In the Promulgation, Publication, And Posting On The Websites Of Decisions, Final Resolutions, And Final Orders Using Fictitious Names/Personal Circumstances.”

development of the victim as a minor.

CONTRARY TO LAW.⁴

Alcaya, assisted by counsel, pleaded not guilty during his arraignment on November 8, 2010. Trial on the merits ensued.⁵

Version of the Prosecution

In the evening of June 5, 2010, AAA was spending time with her father, BBB, watching television at the house of Alcaya's uncle. At 7:00 p.m., BBB instructed her to get kerosene from their house since he planned to go out fishing that night. Their house was located around 50 meters away and up a hill.⁶

On her way home, AAA saw Alcaya standing on the hill. She recognized him even if it was dark since she had a flashlight. He confronted her with a gun and then tied her hands behind her back with a handkerchief. He then took off her short pants and underwear, made her lie down, and knelt on her legs. He took off his own pants and inserted his penis into her vagina. This caused AAA pain and she tried to fight back but was no match for his strength. She wanted to shout for help but could not do so because he was kissing her on the lips.⁷

After a while, BBB followed up the hill to go home and saw AAA and Alcaya as he has shone the light of his flashlight on them. Alcaya immediately ran to the bushes. AAA was in shock and could not speak when BBB asked about what had happened. It was only when they arrived at home that she told him that Alcaya raped her.⁸

BBB stormed to Alcaya at his house but the latter kept silent when asked what happened. BBB then brought AAA to the police station to report the incident. At around 11:00 p.m. after verifying Alcaya's identity, the police officers went to his house and arrested him for Rape and apprised him of his Constitutional rights. They brought him to the police station where AAA positively identified him as the perpetrator of the crime.⁹

⁴ *Rollo*, p. 6.

⁵ *CA rollo*, p. 55.

⁶ *Rollo*, p. 7.

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

AAA was likewise subjected to a medical examination. The findings from the Medical Report stated that there were no injuries observed on her body. Further, the findings on her vagina were normal except for redness in the erythema which could have been caused by other things aside from vaginal penetration.¹⁰

Version of the Defense

Alcaya alleged the defenses of denial and alibi. He attempted to support these defenses through the testimonies of Jeonrie Alcos (Alcos), Anacleto Alsola (Alsola), and his mother, Nonita Alcaya (Nonita).

Alcaya claimed that on June 5, 2010, he spent the day at Alcos' house working as a helper for his sister's engagement party. Notably, this house was two kilometers away from AAA's house. The party began at 9:00 a.m. and he worked there until 10:00 p.m.¹¹ He presented as proof a picture taken by Alsola during the party where he was allegedly present. However, he admitted that this picture was taken at 11:00 a.m. and not at the same time of the rape incident complained of. He allegedly only learned of the charges against him when he was arrested at his uncle's house later that night.¹²

The RTC Ruling

The RTC rendered its Decision¹³ convicting Alcaya of the crime of Rape:

WHEREFORE, in the light of the foregoing, judgment is hereby rendered finding accused **CESAR MONSATO ALCAYA** "guilty" beyond reasonable doubt of the crime of **Rape** and he is hereby sentenced to suffer the penalty of **Reclusion Perpetua** and to pay x x x private complainant "AAA" civil indemnity in the amount of Seventy Five Thousand Pesos (P75,000.00) and moral damages also in the amount of Seventy Five Thousand Pesos (P75,000.00), both with interest at six percent (6%) per annum computed from the finality of this Decision until fully paid.

The preventive imprisonment undergone by the accused is fully credited in his favor.

With costs against accused.

¹⁰ Id. at 8.

¹¹ Id. at 9-10.

¹² Id. at 10.

¹³ CA rollo, pp. 30-45.

SO ORDERED.¹⁴ (Emphasis in the original)

The RTC gave credence to AAA's testimony which narrated the rape incident and positively identified Alcaya as the perpetrator. It cited *People vs. Lagbo*¹⁵ to explain how the medical findings which appeared normal did not necessarily exclude the possibility of sexual abuse. It observed that there are instances when a woman's vagina can be estrogenized or of a peculiar condition such that even the penetration of a fully erect penis will not cause hymenal injury.

Undeterred, Alcaya appealed to the CA.

Alcaya, assisted by counsel, filed an Appellant's Brief.¹⁶ He argued that he should not have been convicted of Rape due to the absence of the element of force, threat, or intimidation. He emphasized that AAA did not testify that she showed any strong resistance or physical struggle to oppose the supposed Rape. She did not even shout or make any sound during the whole time.¹⁷ If indeed she was raped, she would have shouted for help from BBB or their neighbors.¹⁸

Moreover, there were material inconsistencies in the testimonies of AAA and BBB which made the evidence against him doubtful. For instance, AAA alleged that Alcaya pointed a gun at her but changed her story during cross-examination when she stated that he did not point it at her but kept it inside his pocket.¹⁹ She also said that her hands were tied by a handkerchief but later on alleged that the handkerchief was placed in her mouth and tied to the back of her head.²⁰

BBB also alleged that AAA was in shock when he saw her but it was observed by the doctor during the examination that she was conscious, coherent, and oriented. AAA also claimed that she sustained injuries in her hands from her struggle to free herself but no injuries were found based on the medical findings.²¹

¹⁴ Id. at 44-45.

¹⁵ 780 Phil. 834 (2016).

¹⁶ CA *rollo*, pp. 16-29.

¹⁷ Id. at 19-22.

¹⁸ Id. at 23-24.

¹⁹ Id. at 23-24.

²⁰ Id. at 24.

²¹ Id. at 25.

The State, through the Office of the Solicitor General, in response filed a Brief for the Plaintiff-Appellee.²² It argued that the RTC correctly found AAA's testimony to be trustworthy, reliable, and convincing.²³ The alleged inconsistencies in their testimonies pertained to only trivial matters which did not affect the presence of all the elements of Rape.²⁴ With regard to the medical findings, it concluded that it is established that hymenal laceration is not an element of the crime of Rape.²⁵ It thus alleged that Alcaya's defenses of denial and alibi are weak and cannot prevail over the prosecution witnesses' positive testimonies.²⁶

The CA Ruling

The CA rendered its assailed Decision²⁷ sustaining Alcaya's conviction:

ACCORDINGLY, the Decision dated 5 May 2016 of the Regional Trial Court, [REDACTED], is **AFFIRMED** with **MODIFICATION**, in that the accused-appellant must pay the private complainant as follows: a) civil indemnity of P75,000.00; b) moral damages of P75,000.00; and c) exemplary damages of P75,000.00.

SO ORDERED.²⁸ (Emphases in the original)

The CA affirmed that AAA's testimony was straightforward and credible, and sufficiently established all the elements of the crime. The supposed inaccuracies and inconsistencies in her testimony pertained to trivial matters and did not diminish her credibility. It further noted that her testimony was corroborated by her father who saw Alcaya run to the bushes when he approached them on the hill that night.²⁹ These clear and positive testimonies prevail over Alcaya's defenses of denial and alibi that are inherently weak.³⁰

Hence, Alcaya filed the instant appeal.³¹

²² Id. at 52-72.

²³ Id. at 60-62.

²⁴ Id. at 65.

²⁵ Id. at 68.

²⁶ Id. at 70.

²⁷ *Rollo*, pp. 5-21.

²⁸ Id. at 20.

²⁹ Id. at 16.

³⁰ Id. at 16-18.

³¹ Id. at 22-23.

This Court acted on the appeal and issued its Resolution³² dated July 6, 2020 ordering the parties to file their respective supplemental briefs.

Alcaya, through counsel, filed a Manifestation³³ stating that he will no longer file a supplemental brief and adopts the arguments in his Appellant's Brief.

The State similarly filed a Manifestation (In Lieu of Supplemental Brief)³⁴ stating that it is dispensing with the filing of a supplemental brief since it had discussed all the facts, issues, and arguments in its Brief for the Plaintiff-Appellee.

The Issue

The sole issue in this case is whether or not Alcaya is guilty beyond reasonable doubt of the crime of Rape.

The Ruling of this Court

The appeal is denied.

The crime of Rape is defined in Article 266-A of the Revised Penal Code (RPC), as amended by Republic Act No. 8353,³⁵ as follows:

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;
 - b) When the offended party is deprived of reason or otherwise unconscious;
 - c) By means of fraudulent machination or grave abuse of authority; and
 - d) When the offended party is under twelve (12) years of age or is demented, even though none of the circumstances mentioned above be present.

³² Id. at 28-29.

³³ Id. at 42-43.

³⁴ Id. at 34-35.

³⁵ AN ACT EXPANDING THE DEFINITION OF THE CRIME OF RAPE, RECLASSIFYING THE SAME AS A CRIME AGAINST PERSONS, AMENDING FOR THE PURPOSE ACT NO. 3815, AS AMENDED, OTHERWISE KNOWN AS THE REVISED PENAL CODE AND FOR OTHER PURPOSES; approved on September 30, 1997.

x x x x

The elements of the crime of Rape by sexual intercourse are: (1) the offender had carnal knowledge of a woman; and (2) he accomplished this act under the circumstances mentioned under the law. The gravamen of Rape is sexual intercourse with a woman against her will.³⁶

In the prosecution of Rape cases, the credibility of the prosecution's witnesses, especially the victim, is the most important issue. The Court has pronounced that "[i]f, in the eyes, heart, and mind of the trial court, a complainant's testimony meets the test of credibility, then the accused may be convicted solely on that basis."³⁷ It has further been held that "the credibility of a rape victim is not diminished, let alone impaired, by minor inconsistencies in her testimony. Such inconsistencies are inconsequential when they refer to minor details that have nothing to do with the essential fact of the commission of the crime carnal knowledge through force and intimidation."³⁸

After a judicious review of this case, We concur that the prosecution proved all the elements of Rape by sexual intercourse beyond reasonable doubt. It was clearly established based on AAA's testimony that on the evening of June 5, 2010, Alcaya threatened her with a firearm to succeed in having carnal knowledge of her without her consent. She clearly and convincingly narrated:

PROSECUTOR DESPI:

Q: You said that last June 5, 2010 at around 7:00 o'clock in the evening, you were instructed by your father to get kerosene. Did you heed your father's request?

A: Yes, ma'am, I went home.

Q: What happened when you were on your way home?

A: When I went home at that time I saw Cesar Alcaya in the hill, I don't know what he was doing there. Most probably he heard my father order me to get kerosene from our house.

Q: How did you know that it was Cesar Alcaya when it was already dark, 7:00 o'clock in the evening?

A: I knew him because I was bringing [a] flashlight at that time.

Q: After seeing Cesar Alcaya in the hill, what happened next?

A: He held my hand.

³⁶ *People v. Ejercito*, 834 Phil. 837, 844 (2018).

³⁷ *People v. Wasit*, 611 Phil. 340, 347 (2009).

³⁸ *Id.* at 348.

- Q: Which hand?
A: My two (2) hands.
- Q: How did he hold your hands?
A: He tied it using handkerchief.
- Q: What did you do when he started tying your hands with [a] handkerchief?
A: I tried to untie it but I was not able to do so.
- Q: Were you able to untie the handkerchief in your hands?
A: No ma'am, in fact I was wounded because it was rocky in the hill.
- Q: How did it happen that your hands were injured?
A: When I tried to untie myself I hit my hand in the rock.
- Q: Where did he tie your hand, in front of you or behind you?
A: Behind me.
- Q: Will you please demonstrate to us how [he tied] your hand?
A: (Witness demonstrating by putting her hands at her back).
- Q: You said that you were not able to untie the handkerchief from your hands.
A: Yes, ma'am.
- Q: What happened next?
A: He took off my short pants.
- Q: What did you do while he was taking [off] your short pants?
A: I tried to kick him but I was not able to because he was heavy. He knelt on my legs and then he took off his pants.
- Q: After that what happened next?
A: His penis was inserted in my vagina.
- Q: You mentioned here that he took off your shorts, did you wear panty at the time?
A: I wore panty.
- Q: What happened to your panty?
A: He took off my short[s] including my panty.
- [x x x x]
- Q: When he took off your short pants it included your panty?
A: Yes, ma'am.
- Q: You said that he inserted his penis into your vagina, what did he do?
A: He kissed me.

- Q: Did you kiss him back?
A: No[,] ma'am.
- Q: What were you doing at the time when he inserted his penis into your vagina and he was kissing you?
A: I was crying so much and I wanted to call my father but he was kissing me.
- [x x x x]
- Q: After he was able to insert his penis into your vagina and after he kissed you in your mouth and your lips, what happened next?
A: My father followed me and he saw us and he ran to the bushes.
- Q: When you said he ran to the bushes, you mean Cesar Alcaya?
A: Yes, Ma'am.³⁹

Significantly, this was corroborated by BBB who testified that he actually saw Alcaya with AAA after the rape incident who then immediately pulled up his pants and ran away:

- Q: What happened when you decided to follow your daughter?
A: I saw my daughter lying down on the ground and the man was running.
- Q: The man who you said ran away, who was that person?
A: Cesar Alcaya.
- Q: You said that you were in the house of the uncle of Cesar Alcaya, it was already dark, how did you know that it was Cesar Alcaya when it already night and already dark?
A: There is [a] pathway that we usually take in going to the house of the uncle of Cesar Alcaya and there is a light.
- Q: How did you know or say that it was Cesar Alcaya when it was night and dark?
A: Do you think I don't know him, **of course I know him ma'am.**
- Q: How did you know that it was Cesar Alcaya?
A: **Because I saw him pulling his pants and he immediately ran away and then I assisted my daughter.**
- Q: What happened to your daughter at that time?
A: **She was raped by Cesar Alcaya.**
- Q: When you first saw your daughter, what did you observe from her?
A: **At first I saw a man pulling his pants, then I assisted my daughter and I asked her what happened but she did not**

³⁹ Rollo, pp. 13-15.

answer me.⁴⁰ (Emphasis and underscoring supplied)

Alcaya's argument that AAA did not strongly resist or shout while being raped is denied. The lack of physical resistance is not an essential element of the crime of Rape. The Court has recognized that "[a] victim should never be faulted for her lack of resistance to any forms of crime particularly as grievous as rape. Failure to shout or offer tenacious resistance does not make voluntary the victim's submission to the perpetrator's lust. x x x. Rape victims react differently when confronted with sexual abuse. Thus, the law does not impose upon the private complainant the burden of proving resistance."⁴¹

Regardless, AAA sufficiently explained in her re-direct testimony that she did not shout or run away because she feared for her life and was overpowered and tied with a handkerchief:

RE-DIRECT EXAMINATION CONDUCTED BY PROSECUTOR JASMIN N. DESPO ON WITNESS [AAA]:

Q: When asked if you shouted you said you did not shout. Why did you not shout?

A: **I was scared, maybe he would kill me.**

Q: What made you felt scared at that time?

A: **Because he brought a firearm and maybe he would kill me.**

Q: When asked if you ran, you said that you did not run. Why did you not run?

A: **Because at that time he made me lie down and he put his body on my thigh and he was very heavy and I cannot move.**

[x x x x]

Q: You said that your mouth was tied with [a] handkerchief, was this before you were made to lie down or after you lied down already?

A: I was already lying down.

Q: You said that your mouth was [tied] down. Will you please illustrate to us?

A: (Witness demonstrating by touching her mouth then touching at the back of her head)

Q: You mean to say that the handkerchief was placed in your mouth and tied at the back of your head?

A: Yes, ma'am.⁴² (Emphases and underscoring supplied)

⁴⁰ CA rollo, pp. 64-65.

⁴¹ *People v. Barberan*, 788 Phil. 103, 111-112 (2016).

⁴² CA rollo, p. 63.

The remainder of Alcaya's arguments on appeal primarily hinged on assailing the credibility of AAA and BBB as witnesses. These arguments must also be denied for lack of merit.

It is settled that the evaluation of witnesses' credibility is a matter best left to the trial court since it is in the best position and had the best opportunity to observe them and their demeanor during trial.⁴³ Its determination must therefore be accorded great respect. This principle is given more stringent application when the CA sustains the trial court's findings.⁴⁴

The Court emphasized in *People v. VVV*⁴⁵ that "the trial court's evaluation and conclusion on the credibility of witnesses in rape cases are generally accorded great weight and respect, and at times even finality, especially after the CA, as the intermediate reviewing tribunal, has affirmed the findings." This applies in the absence of "a clear showing that the findings were reached arbitrarily, or that certain facts or circumstances of weight, substance or value were overlooked, misapprehended or misappreciated that, if properly considered, would alter the result of the case."⁴⁶

In this case, the RTC, as affirmed by the CA, found both AAA and BBB to be credible and trustworthy witnesses. AAA's testimony was notably concluded to be categorical, straightforward, positive, and frank.⁴⁷ This Court concurs with this determination as well as the CA's observation that alleged inconsistencies in AAA's testimony were insufficient to affect her credibility. These pertained merely to trivial matters which did not have any bearing on the elements of the crime.

All told, Alcaya did not allege and prove any compelling reasons sufficient to reverse the factual findings supporting his conviction. In accordance with *People v. Tulagan*,⁴⁸ it is clarified that the proper designation of the crime for which he was convicted for is Rape under Article 266-A(1) in relation to Article 266-B of the RPC, as amended.

The penalty imposed of *reclusion perpetua* is upheld pursuant to Article 266-B of the RPC, as amended. The modified award of civil damages by the CA is also affirmed consistent with this Court's prevailing

⁴³ *People v. Elimancil*, G.R. No. 234951, January 19, 2019.

⁴⁴ *People v. Wasit*, supra note 37 at 349.

⁴⁵ G.R. No. 230222, July 22, 2020.

⁴⁶ Id. Citations omitted.

⁴⁷ *Rollo*, p. 18.

⁴⁸ G.R. No. 227363, March 12, 2019.

jurisprudential guidelines.

WHEREFORE, the appeal is **DENIED**. The Decision dated November 29, 2018 of the Court of Appeals in CA-G.R. CR HC No. 02285, affirming the Decision dated May 5, 2016 of the Regional Trial Court of ██████████, Cebu, Branch ████, in Criminal Case No. TCS-6819, is **AFFIRMED**. Accused-appellant Cesar Monsato Alcaya is found **GUILTY** beyond reasonable doubt of the crime of Rape under Article 266-A(1) in relation to Article 266-B of the Revised Penal Code, as amended by Republic Act No. 8353. He is sentenced to suffer the penalty of *reclusion perpetua*. Further, he is 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 finality of this ruling until fully paid.

SO ORDERED.”

By authority of the Court:

Misael Batt
MISAEAL DOMINGO C. BATTUNG III
Division Clerk of Court JB 2/8/23

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(Criminal Case No. TCS-6819)

The Superintendent
New Bilibid Prison
BUREAU OF CORRECTIONS
Muntinlupa City

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