



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, Second Division, issued a Resolution dated July 12, 2023 which reads as follows:

“**G.R. No. 260871 (People of the Philippines, Plaintiff-Appellee v. XXX260871,* Accused-Appellant).** — This Court resolves the Appeal¹ from the Decision² of the Court of Appeals (CA) in CA-G.R. C.R. HC No. 14313, affirming the Judgment³ of the Regional Trial Court (RTC), which convicted XXX260871 of rape.

XXX260871 was charged in an Information,⁴ the accusatory portion of which reads:

That sometime in the month of November 2006, in [REDACTED], and within the jurisdiction of this Honorable Court, the above-named accused, with lewd designs, by means of intimidation, did then and there willfully, knowingly and feloniously have carnal knowledge of one [AAA260871], a 14-year[-]old female child, who is the said accused’s own cousin, by then and there inserting his penis inside her vagina, and threatening her with the words, “*Huwag kang magsusumbong dahil hindi ka paniniwalaan ni Nanay,*” referring to the victim’s aunt, [REDACTED], against the will and without the consent of the said victim to her damage and prejudice.

That the accused committed the said crime inside the dwelling of the said victim where he had taken temporary shelter.

Contrary to law, aggravated by Dwelling.⁵

* In line with Amended Administrative Circular No. 83-2015, as mandated by the Revised Penal Code, Article 266-A, the names of the private offended parties, along with all other personal circumstances that may tend to establish their identities, are made confidential to protect their privacy and dignity.

¹ *Rollo*, pp. 3–5.

² *Id.* at 9–26. The October 29, 2021 Decision in CA-G.R. C.R. HC No. 14313 was penned by Associate Justice Louis P. Acosta, and concurred in by Associate Justices Myra V. Garcia-Fernandez and Angelene Mary W. Quimpo-Sale of the Twelfth (12th) Division of the Court of Appeals, Manila City.

³ *Id.* at 28–36. The April 5, 2019 Judgment in Criminal Case No. 10576-G was penned by Judge Maria Chona E. Pulgar-Navarro, Regional Trial Court, Branch 61, Gumaca, Quezon.

⁴ Records, pp. 2–3.

⁵ *Id.*

Upon arraignment, XXX260871 pleaded not guilty.⁶ Trial thereafter ensued.⁷

The prosecution presented the following witnesses: (1) the victim, AAA260871; (2) Rosalinda Buñales (*Buñales*); (3) Dr. Genevive Bayongan V. Laguerta (*Dr. Laguerta*); and (4) Police Officer 3 Lorena R. Batan (*PO3 Batan*).⁸ Their testimonies sought to establish that:

AAA260871 was 14 years old at the time of the incident and was living with her family. Meanwhile, XXX260871 is AAA260871's cousin on the father's side who was temporarily living with them.⁹

One evening in November 2006, AAA260871 was sleeping in their room together with her brother, while their father was sleeping in the living room. Suddenly, AAA260871 felt XXX260871 lie beside her. XXX260871 then forcibly kissed her and touched her chest and vagina. He later undressed AAA260871 and inserted his penis inside her vagina. He then threatened AAA260871 to not tell her aunt, the former's mother, of the incident. AAA260871 relented because she was afraid that her father and her aunt, whom she also feared, might fight.¹⁰

Sometime in March 2007, AAA260871 reported the incident to the local Municipal Social Welfare and Development Office (*MWSD*) wherein MWSD Officer Buñales conducted a social case study on AAA260871. She reported that AAA260871 was in trauma and could not answer some questions because she was scared. Buñales then accompanied AAA260871 to the police station to report the incident.¹¹

Meanwhile, the medico-legal officer who conducted a physical examination on AAA260871, Dr. Laguerta, found the presence of hymenal lacerations at 1 o'clock and 4 o'clock positions on the victim's hymen.¹²

For his part, XXX260871 denied the accusations against him. He claimed that he could not have committed the crime because he was working as a househelper in Batangas City on the date of the alleged incident. He only went home in December 2009 and learned of the present case against him.¹³

⁶ *Id.* at 24.

⁷ *Id.* at 37-38.

⁸ *Rollo*, p. 10.

⁹ *Id.* at 11.

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.* at 11-12.

¹³ *Id.* at 12.

In its Judgment,¹⁴ the RTC found XXX260871 guilty of rape. The dispositive portion of the RTC Judgment states:

WHEREFORE, in view of the foregoing, the Court finds the accused [REDACTED] GUILTY beyond reasonable doubt for the crime of RAPI; and hereby sentences him to suffer RECLUSION PERPETUA; to pay to the victim the amount of Seventy[-]Five Thousand Pesos (P75,000.00) as moral damages and (sic) plus interest on all damages hereby awarded at the rate of 6% per annum from the finality of the decision until fully paid.

SO ORDERED.¹⁵

The RTC found that the prosecution was able to establish the identity of XXX260871 and the fact that he had carnal knowledge of AAA260871.¹⁶ It dismissed XXX260871 defense of alibi for being insufficient.¹⁷

XXX260871 appealed to the CA.¹⁸

In his Appellant's Brief,¹⁹ XXX260871 argued that the decision of the RTC failed to state clearly and distinctly the facts and the law on which it was based, hence, should be struck down as null and void for being in violation of Section 14, Article VIII of the Constitution.²⁰

XXX260871 also argued that in any case, the RTC erred in giving undue weight to the testimonies of the prosecution's witnesses. He contended that AAA260871's testimony was inconsistent, incredible, and contrary to human experience. Particularly, he averred that it is hard to believe that he would rape AAA260871 in a room where the latter's brother was also present. Moreover, there is no evidence that AAA260871 shouted for help and struggled while the alleged incident was happening. XXX260871 also noted that AAA260871 did not even immediately report the incident to the proper authorities but waited for more than four months to do so.²¹

The Office of the Solicitor General (OSG), on behalf of the People of the Philippines, filed its Appellee's Brief.²² It countered that AAA260871's testimony was detailed, credible, and unwavering.²³ Meanwhile,

¹⁴ *Id.* at 28–36.

¹⁵ *Id.* at 36.

¹⁶ *Id.*

¹⁷ *Id.* at 35.

¹⁸ CA *rollo*, pp. 10–11.

¹⁹ *Id.* at 17–37.

²⁰ *Id.* at 23–25.

²¹ *Id.* at 25–27.

²² *Id.* at 54–72.

²³ *Id.* at 65–66.

XXX260871's defense of alibi is weak and uncorroborated. It does not hold in contrast with AAA260871's direct, positive, and categorical testimony.²⁴

In its Decision,²⁵ the CA denied the appeal and affirmed with modification the conviction of XXX260871. It gave credence to the testimony of AAA260871, which established the presence of the essential elements of rape. The CA found AAA260871's narration of the incident to be "vivid enough" and detailed.²⁶ It dismissed XXX260871's defenses of alibi and denial for being unsubstantiated.²⁷

The CA then affirmed the RTC's imposition of the penalty of *reclusion perpetua* on XXX260871 but modified the award of damages. It awarded civil indemnity of PHP 75,000.00, exemplary damages of PHP 75,000.00, and moral damages of PHP 75,000.00. The CA also imposed legal interest of six percent per annum on all the monetary awards.²⁸

XXX260871 is now before this Court, seeking affirmative relief and praying anew for his acquittal. In line with this Court's Resolution,²⁹ the OSG and XXX260871 manifested that in lieu of supplemental brief, they were adopting their respective briefs filed before the CA.³⁰

The sole issue for this Court's resolution is whether XXX260871 is guilty of rape.

Preliminarily, this Court deems it proper to address XXX260871's assertion that the RTC Judgment is null and void for failure to clearly and distinctly state the facts and law on which it is based. We have held that pursuant to Section 14,³¹ Article VIII of the Constitution, "[t]he parties to a litigation should be informed of how it was decided, with an explanation of the factual and legal reasons that led to the conclusions of the court."³²

In the present case, a review of the RTC Judgment would show that it adequately covered the relevant facts and law of the case, and thus informed the parties of how it was decided. While the discussion on the ruling was brief, it sufficiently explained the factual and legal basis for the conviction of XXX260871. The RTC cited pertinent portions of the prosecution witnesses' testimonies and held that the same established the elements of rape under

²⁴ *Id.* at 67–68.

²⁵ *Rollo*, pp. 9–26.

²⁶ *Id.* at 15–19.

²⁷ *Id.* at 24.

²⁸ *Id.* at 24–26.

²⁹ *Id.* at 37–38. Notice of Resolution dated August 3, 2022.

³⁰ *Id.* at 39–42; 45–47.

³¹ Sec. 14. No decision shall be rendered by any court without expressing therein clearly and distinctly the facts and the law on which it is based [.]

³² *Magaso v. Commission on Audit*, G.R. No. 219425, January 10, 2023 [Per J. Zalameda, *En Banc*], citing *Yao v. Court of Appeals*, 398 Phil. 86, 105 (2000) [Per C.J. Davide, First Division].

Article 266-A of the Revised Penal Code (*RPC*). Meanwhile, it held that XXX260871's alibi is insufficient, citing relevant jurisprudence discussing the nature of denial and alibi and the requirements for it to prosper. Verily, the foregoing discussion of the RTC is substantial compliance with the constitutional requirement of stating clearly and distinctly the facts and law on which a decision is based.

This Court has repeatedly held that –

[i]n rape cases, the credibility of the victim is almost always the single most important issue. If the testimony of the victim passes the test of credibility, which means it is credible, natural, convincing[,] and consistent with human nature and the normal course of things, the accused may be convicted solely on that basis.”³³

On this note, questions on the credibility of witnesses are best addressed to the trial court due to its opportunity to observe the witnesses' deportment on the stand while testifying. This Court will thus defer to the findings of the RTC on the credibility of witnesses, especially when affirmed by the appellate court, as in this case.³⁴ Indeed, “it is only when the trial court has overlooked or misapprehended some facts or circumstances of weight and influence that these matters are re-opened for independent examination and review by appellate courts.”³⁵

Here, both the RTC and the CA gave credence to the testimonies of AAA260871 and the prosecution witnesses. They held that their testimonies sufficiently established with moral certainty the elements of carnal knowledge and force, or intimidation. This Court sees no cogent reason to deviate from their findings.

To discredit AAA260871's testimony, XXX260871 contends that AAA260871's claim that she was raped in the presence of her brother in the same room is highly improbable. He also argues that it is inconceivable why AAA260871 did not shout for help and struggled while the alleged incident was happening and why AAA260871 did not immediately report the incident to the proper authorities.

XXX260871's assertions lack merit. Time and again, this Court has ruled that lust is no respecter of time and place.³⁶ There is no rule that rape can be committed only in seclusion.³⁷ Rape has been shown to have been

³³ *People v. Gaa*, 810 Phil. 860, 868 (2017) [Per J. Tijam, Third Division], citing *People v. Ceballos, Jr.*, 559 Phil. 892, 906 (2007) [Per J. Carpio-Morales, *En Banc*].

³⁴ *People v. Baguion*, 835 Phil. 704, 715 (2018) [Per J. Martires, Third Division], citing *People v. Barcelata*, 734 Phil. 332, 342-343 (2014) [Per J. Mendoza, Third Division].

³⁵ *People v. Bautista*, 474 Phil. 531, 542 (2004) [Per J. Panganiban, First Division]. (Citation omitted)

³⁶ *People v. Suwalat*, G.R. No. 227749, September 22, 2020 [Per J. Lazaro-Javier, First Division].

³⁷ *People v. Delos Reyes*, 423 Phil. 75, 82 (2001) [Per J. Ynares-Santiago, First Division], citing *People v. Batoon*, 375 Phil. 998, 1010 (1999) [Per C.J. Davide, Jr., First Division]

committed in places where people congregate, in parks, along the roadside, within school premises, inside a house where there are other occupants, and even in the same room where other members of the family are also sleeping.³⁸

So, too, it must be stressed that it is unreasonable to require any standard form of reaction from AAA260871 who was under a horrifying ordeal at the time. Indeed, the workings of the human mind placed under emotional stress are unpredictable, and people react differently – some may shout, others may faint, and still others may be shocked into insensibility even if there may be a few who may openly welcome the intrusion.³⁹

Anent the alleged delay on the part of AAA260871 in reporting the incident to the authorities, it is settled that “[d]elay in revealing the commission of a crime such as rape does not necessarily render such charge unworthy of belief.”⁴⁰ We explained that this is because “the victim may choose to keep quiet rather than expose her defilement to the harsh glare of public scrutiny. Only when the delay is unreasonable or unexplained may it work to discredit the complainant.”⁴¹

Here, AAA260871 categorically testified that she did not immediately tell anyone about the incident because she was threatened by XXX260871. Likewise, she feared that her father and XXX260871’s mother, her aunt, will fight. Thus, the delay in reporting is justified in this case.

It is clear that as against AAA260871’s direct, positive, and categorical assertions, XXX260871 can only interpose the defense of alibi. The RTC and the CA, however, correctly ruled that XXX260871’s alibi was not sufficiently established by the evidence on record.

All told, this Court sustains the conviction of XXX260871 for rape under Article 266-A of the RPC.

As a final note, the Information against XXX260871 alleged that the crime was aggravated by dwelling. This circumstance, however, was not considered by the RTC and the CA in their respective rulings. While this was not raised as an assigned error, it is a settled principle that “an appeal in criminal cases throws open the entire case for review and it becomes the duty of the appellate court to correct any error, as may be found in the appealed judgment.”⁴²

³⁸ *People v. Quiros*, 639 Phil. 118, 131 (2010) [Per J. Mendoza, Second Division], citing *People v. Pacheco*, 632 Phil. 624, 634 (2010) [Per J. Mendoza, Third Division].

³⁹ *People v. Taguilid*, 685 Phil. 571, 581 (2012) [Per J. Bersamin, First Division], citing *People v. San Antonio, Jr.*, 559 Phil. 188, 205 (2007) [Per J. Chico-Nazario-Third Division].

⁴⁰ *People v. Navarette, Jr.*, 682 Phil. 651, 667 (2012) [Per J. Perez, Second Division]. (Citations omitted)

⁴¹ *Id.* at 667, citing *People v. Ariola*, 418 Phil. 808, 821 (2001) [Per J. Mendoza, *En Banc*].

⁴² *People v. Laguerta*, 398 Phil. 370, 375 (2000) [Per J. Ynares-Santiago, *En Banc*] citing *People v. Balucano*, 391 Phil. 509, 525 (2000) [Per J. Purisima, *En Banc*].

A felony is aggravated by dwelling if it is committed in the home of the victim without any provocation from the latter. It is considered an aggravating circumstance because of the sanctity of privacy which the law accords to human abode.⁴³ Here, the prosecution sufficiently established that XXX260871 went inside the room of AAA260871 while the latter was sleeping and raped her. The aggravating circumstance of dwelling is thus present.

Nevertheless, while the aggravating circumstance of dwelling would ordinarily serve to increase the imposable penalty, the appropriate penalty in this case would still be *reclusion perpetua* in accordance with Article 266-B of the RPC since under Article 63 of the same Code, “[i]n all cases in which the law prescribes a single indivisible penalty, it shall be applied by the courts regardless of any mitigating or aggravating circumstance that may have attended the commission of the deed.”

In line with *People v. Jugueta*,⁴⁴ the CA correctly awarded civil indemnity in the amount of PHP 75,000.00, moral damages in the amount of PHP 75,000.00, and exemplary damages in the amount of PHP 75,000.00. The awards shall earn legal interest of six percent (6%) per annum from the finality of this Resolution until their full satisfaction.

FOR THESE REASONS, the present Appeal is **DISMISSED**. The Decision dated October 29, 2021 of the Court of Appeals in CA-G.R. C.R. HC No. 14313 finding XXX260871 guilty beyond reasonable doubt of rape is **AFFIRMED**. XXX260871 is sentenced to suffer the penalty of *reclusion perpetua* and is **ORDERED** to **PAY** the victim AAA260871 (a) PHP 75,000.00 as civil indemnity; (b) PHP 75,000.00 as moral damages; and (c) PHP 75,000.00 as exemplary damages. All damages shall earn interest at the rate of six percent (6%) *per annum* computed from the date of finality of this Resolution until their full satisfaction.

SO ORDERED.” (Leonen, *SAJ*, on official business; Lazaro-Javier, *J.*, Acting Chairperson, per Special Order No. 3000-Revised dated July 12, 2023)

By authority of the Court:


TERESITA AQUINO TUAZON
Division Clerk of Court 8/4

⁴³ *People v. Pagkatipunan*, 859 Phil. 806, 817 (2019) [Per J. Lazaro-Javier, Second Division]. (Citations omitted)

⁴⁴ 783 Phil. 806 (2016).

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