



Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, Third Division, issued a Resolution dated July 10, 2023, which reads as follows:

G.R. No. 250900 – PEOPLE OF THE PHILIPPINES, Plaintiff-appellee, v. ANGELO DIONELA, Accused-appellant.*

This is an appeal from the Decision,¹ dated August 30, 2018, of the Court of Appeals (CA) in CA-G.R. CR HC No. 09012, which affirmed the Decision,² dated September 28, 2016, of the Regional Trial Court, Branch 51, ████████ City (RTC) in Criminal Case No. 2009-7641. The RTC convicted Angelo Dionela (**Angelo**) of Rape under Article 266-A(1)(b) of the Revised Penal Code (RPC).

The Court concurs with the findings of the RTC, as affirmed by the CA, that the prosecution was able to establish beyond reasonable doubt the elements of Rape under Article 266-A(1)(b) of the RPC, *i.e.*, (a) that the man had carnal knowledge of a woman; and (b) that he accomplished this act when the victim is deprived of reason or otherwise unconscious.³

While the private complainant, AAA, did not provide direct testimony on the details of the actual incident of rape because she was unconscious at the time of the act, the prosecution was able to prove that Angelo had sexual intercourse with AAA against the latter's will by circumstantial evidence.

Notably, the Court, on several occasions, has affirmed convictions for Rape based on circumstantial evidence.⁴ The Court held that in cases where

* In line with Amended Administrative Circular No. 83-2015, as mandated by Republic Act No. 8505, the name of the private complainant, along with all other personal circumstances that may tend to establish her identity, are made confidential to protect her privacy and dignity.

¹ *Rollo*, pp. 3-18. Penned by Associate Justice Henri Jean Paul B. Inting (now a Member of this Court) and concurred in by Associate Justices Japar B. Dimaampao (now a Member of this Court) and Manuel M. Barrios.

² *CA rollo*, pp. 47-57. Penned by Judge Bernardo R. Jimenez, Jr.

³ *People v. Laguerta*, 835 Phil. 1063, 1074 (2018).

⁴ See *People v. Laguerta*, 835 Phil. 1063 (2018); *People v. Polonio*, 786 Phil. 825 (2016); *People v. Nuyok*, 759 Phil. 437 (2015); *People v. Belgar*, 742 Phil. 404 (2014); *People v. Lupac*, 695 Phil. 505 (2012); *People v. Perez*, 366 Phil. 741 (1999); and *People v. Garcia*, 265 Phil. 547 (1990).

the victim cannot testify on the actual commission of the rape as she was rendered unconscious when the act was committed, the accused may be convicted based on circumstantial evidence. To rule otherwise, and strictly rely on direct evidence to prove rape will lead to the pernicious result of obstructing the successful prosecution of a rapist who renders his victim unconscious before the consummation.⁵

Circumstantial 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.⁶ Section 4, Rule 133, of the Revised Rules of Evidence, as amended, sets forth the requirements of circumstantial evidence that is sufficient for conviction:

SECTION 4. Circumstantial Evidence, When Sufficient. —
Circumstantial evidence is sufficient for conviction if:

- (a) There is more than one [(1)] 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.

Here, the evidence on record shows that AAA was alone in her house when Angelo gave her a bottle of softdrink. After drinking the softdrink, AAA lost consciousness. She woke up the next morning in bed, naked and alone. She felt pain in her vagina and saw blood stains on the blanket. Thereafter, AAA received a text message from Angelo asking her to refrain from telling her mother about what happened as he would relate the incident to AAA's mother himself. However, Angelo did not confide in AAA's mother, who only learned about the incident because Angelo's parents approached her to offer a settlement.

The Physical Examination Report⁷ of Dr. Jazel Sabdao-Calleja (**Dr. Calleja**) shows that AAA suffered hymenal lacerations at 3 o'clock and 6 o'clock positions. Dr. Calleja testified that these healed hymenal lacerations were caused by the forceful insertion of an instrument, which could be the male genitalia, and that it was possible that the injuries were inflicted on September 2, 2009, the date of the incident.⁸

Considering all the circumstances mentioned above, the Court is satisfied that the prosecution has successfully proven Angelo's guilt beyond

⁵ *People v. Laguerta*, supra note 3 at 1074-1075.

⁶ *People v. Manson*, 801 Phil. 130, 138 (2016).

⁷ Records, p. 7.

⁸ TSN, December 26, 2013, pp. 5-6.

reasonable doubt. The evidence adduced against Angelo constitutes an unbroken chain leading to the one fair and reasonable conclusion that he indeed had sexual intercourse with AAA while the latter was unconscious.

Angelo seeks exoneration by discrediting AAA's testimony, which was given full faith and credence by the RTC and the CA. He points to AAA's delay in reporting the incident.

Settled is the rule that when it comes to the credibility of witnesses, the assessment of the trial court is entitled to great weight, if not conclusive or binding on the Court, absent any evidence that it was tainted with arbitrariness or oversight. The credibility of the witnesses is best addressed by the trial court, it being in a better position to decide such question, having heard them and observed their demeanor, conduct, and attitude under grueling examination.⁹ The Court's deference to the findings of the trial court becomes firmer in cases where the assessment of the trial court was affirmed by the CA.¹⁰

AAA's narration of the incidents was straightforward and categorical and free from any serious contradiction. Thus, the Court finds no compelling reason to disturb or set aside the finding of the RTC, as affirmed by the CA, giving due weight and credence to the testimony of AAA.

As regards the delay in reporting the incident, the Court agrees with the RTC that AAA was able to provide a sufficient explanation for the same. Angelo told her to not relate the incident to her mother as he promised that he would relate the incident to AAA's mother himself. AAA waited for Angelo to do so because she thought she was pregnant and did not want to be the one to tell her mother what happened. However, Angelo reneged on his promise. In any case, the mere 25-day delay in reporting the incident was not unreasonable. Delay in revealing the commission of a crime such as Rape does not necessarily render such charge unworthy of belief. Only when the delay is unreasonable or unexplained may it work to discredit the complainant.¹¹

It is well to note that Angelo never denied having sexual intercourse with AAA. He claimed, however, that he and AAA were lovers and thus the sexual intercourse between them was consensual. Simply put, Angelo interposes the "sweetheart theory" to exculpate himself from the charge against him.

⁹ *People v. Manson*, supra note 6 at 139-140.

¹⁰ *People v. Magbitang*, 787 Phil. 130, 135 (2016).

¹¹ *People v. YYY*, 839 Phil. 1147, 1165 (2018).

Angelo's claim is untenable. As correctly found by the RTC, Angelo failed to adduce credible evidence that he and AAA were lovers. The "sweetheart theory" to be credible should be substantiated by some documentary or other evidence of relationship such as notes, gifts, pictures, mementos, and the like.¹² Angelo failed to discharge this burden. The fact that AAA was rendered unconscious because of the softdrink that Angelo gave her is damning proof that the act was not consensual.

In any case, even if it were true that Angelo and AAA were lovers, this fact does not necessarily negate rape because rape can occur even within a marriage.¹³

Considering the foregoing, the Court is convinced that the prosecution was able to prove Angelo's guilt beyond reasonable doubt.

With regard to the penalty, the RTC and the CA were correct in imposing *reclusion perpetua* in line with Article 266-B of the RPC. The Court likewise affirms the monetary awards, as modified by the CA, as the same are in accord with *People v. Jugueta*.¹⁴

WHEREFORE, the appeal is **DISMISSED**. The Decision, dated August 30, 2018, of the Court of Appeals in CA-G.R. CR HC No. 09012 is **AFFIRMED**.

SO ORDERED. (Inting and Dimaampao, JJ., no part due to prior participation in the Court of Appeals; Leonen, S.A.J. and Hernando, J., designated as additional Members per Raffle, dated May 25, 2023.)

By authority of the Court:


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¹² *People v. Cericos, Jr.*, G.R. No. 248997, September 5, 2022.

¹³ *People v. Quinto*, G.R. No. 246460, June 8, 2020, 937 SCRA 64, 80.

¹⁴ 783 Phil. 806 (2016).

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
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