



SUPREME COURT OF THE PHILIPPINES
PUBLIC INFORMATION OFFICE
RECORDED
JUN 22 2020
BY: *Ramon*
TIME: *9:20am*

Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

THE PEOPLE OF THE PHILIPPINES, **G.R. No. 225961**

Plaintiff-Appellee, **Present:**

PERALTA, C.J., *Chairperson,*
CAGUIOA, *Working Chairperson,*
REYES, J. JR.,
LAZARO-JAVIER, and
LOPEZ, * *JJ.*

- versus -

Promulgated:

**PAOLO LUIS GRATELA y
DAVILLO,**
Accused-Appellant.

JAN 06 2020

[Signature]

X ----- X

DECISION

REYES, J. JR., J.:

A conviction for rape may be sustained based on the medical-legal report and testimonial evidence of the victim and the medico-legal officer.

The Case

This is an ordinary appeal from the March 27, 2015 Court of Appeals (CA) Decision¹ in CA-G.R. CR-HC No. 05925, affirming the October 25, 2012 Regional Trial Court (RTC) Decision² in Criminal Case No. 09-1742, finding the accused guilty of statutory rape.

* On official leave.

¹ Penned by Associate Justice Manuel M. Barrios, with Associate Justices Ramon M. Bato, Jr. and Maria Elisa Sempio-Diy, concurring; *rollo*, pp. 2-9.

² Penned by Judge Rico Sebastian D. Liwanag; *CA rollo*, pp. 19-26.

Y

The Facts

In an Information dated July 14, 2009,³ accused-appellant Paolo Luis Gratela y Davillo (Gratela) was charged with statutory rape of a seven-year old girl, AAA.⁴ During arraignment, he pleaded not guilty.⁵ At the pre-trial, both parties stipulated that: (1) the court has jurisdiction over the case, and (2) the age of the complainant/victim at the time of the alleged crime was seven years old.⁶ Thereafter, trial proceeded.

The prosecution presented four witnesses: (1) AAA, the victim; (2) BBB, the victim's mother; (3) Police Officer 2 (PO2) Mary Grace Agustin, the investigator; and (4) Police Chief Inspector Marianne S. Ebdane, M.D., the medico-legal officer.

The prosecution presented the following as documentary evidence: (1) AAA's *Sinumpaang Salaysay*;⁷ (2) BBB's *Sinumpaang Salaysay*;⁸ (3) Request for physical and genital examination;⁹ (4) Initial Medico-Legal Report;¹⁰ (5) August 12, 2009 RTC Order for the issuance of warrant of arrest against the accused;¹¹ (6) Manifestation of Consent;¹² (7) Sexual Crime Protocol;¹³ and (8) Medico-Legal Report R09-874.¹⁴

During trial, AAA testified that she was born on October 27, 1999 and reiterated the contents of her *Sinumpaang Salaysay*. She narrated that sometime in the afternoon of July 2007 she went to the accused's house to look for his sister, who is her friend. Unable to find her because she was sleeping, AAA went inside the accused's room and sat on the sofa. The accused approached AAA and pulled down her shorts and underwear. He also pulled down his clothes, and then he rubbed his penis into her vagina. AAA did not look at what was happening because of fear. Afterwards, she

³ Sometime during the month of July 2007, in the City of Makati, Philippines, the accused did then and there wilfully, unlawfully, and feloniously have carnal knowledge by means of force and intimidation, of complainant [AAA], who was at the time of commission a seven year old minor, against the will and consent of the latter; *id.* at 10.

⁴ Pursuant to the Supreme Court Resolution in AM 04-11-09-SC, dated September 19, 2006 and *People v. Cabalquinto*, 533 Phil.703-719 (2006), the Court shall withhold the real name of the victim-survivor and shall use fictitious initials instead to represent her. Likewise, the personal circumstances of the victims-survivors or any other information tending to establish or compromise their identities, as well those of their immediate family or household members, shall not be disclosed.

⁵ Records, pp. 25-27.

⁶ *Id.* at 27.

⁷ *Id.* at 10-11.

⁸ *Id.* at 12.

⁹ *Id.* at 14.

¹⁰ *Id.* at 13.

¹¹ *Id.* at 15; The page was incorrectly numbered as 14.

¹² *Id.* at 55.

¹³ *Id.* at 54.

¹⁴ *Id.* at 56.

Y

pulled up her garments and went home. She kept the incident to herself because she feared her mother might scold her.¹⁵

On April 15, 2009, AAA and BBB were watching a television show, which involved a rape scene. Triggered by what she saw, AAA told BBB about what the accused did to her.¹⁶

BBB confirmed AAA's narration during trial¹⁷ and in her own *Sinumpaang Salaysay*.¹⁸ She asked AAA if the accused penetrated her and the latter said that she was not looking but she felt pain on her vagina. AAA also told her that the accused asked her to moan while doing the act.¹⁹

PO2 Mary Grace Agustin testified that in April 2009 she was assigned at the Women's and Children Protection Desk of the Makati Police Station. She received a complaint from AAA and BBB about an alleged rape incident that took place in July 2007. She interviewed them, and reduced her questions and their answers in their respective sworn statements. She also prepared a request for physical and genital examination of AAA.²⁰

Police Chief Inspector Marianne S. Ebdane testified that she was assigned as a medico-legal officer at the Philippine National Police Crime Laboratory since September 2004. On April 16, 2009, she encountered AAA and BBB, who presented to her a request for physical and genital examination of AAA. She gave BBB a Manifestation and Consent form before conducting the examination. Afterwards, she filled up a Sexual Crime Protocol form showing the information about the alleged crime. Thereafter, she proceeded with AAA's physical and genital examination, and found healed laceration and red clots. She concluded that there is clear evidence of blunt force or penetrating trauma. She indicated her findings and conclusion in Medico-Legal Report R09-784.²¹

For his defense, the accused denied the accusations against him, and alleged that he was frequently out of their house and stayed in his friends' house at the time of the incident. He averred that he had so much respect for AAA's family since they were neighbors, and that his conscience would not allow him to commit such act. He testified that money could be a reason why a complaint was filed against him, because his father worked abroad. He also opined that AAA made up a story about the incident.²² He confirmed that he executed a counter-affidavit to AAA's complaint,²³ and

¹⁵ Records, pp. 10-11; TSN, September 1, 2010, pp. 6-15.

¹⁶ Id. at 15.

¹⁷ TSN, January 11, 2010, pp. 3-34.

¹⁸ Records, p. 12.

¹⁹ Id. at 25.

²⁰ TSN, April 7, 2010, pp. 3-6.

²¹ TSN, June 23, 2010, pp. 3-12.

²² TSN, March 16, 2011, pp. 3-16; TSN, June 22, 2011, pp. 2-6.

²³ TSN, March 16, 2011, pp. 7-8; TSN, November 24, 2011, pp. 13-14.

claimed that the examination on AAA had no probative value because it was conducted two years after the incident.²⁴

The RTC Decision

On October 25, 2012, the RTC rendered a decision finding Gratela guilty beyond reasonable doubt of statutory rape through sexual intercourse. The RTC imposed the penalty of *reclusion perpetua*, and ordered him to pay ₱75,000.00 as civil indemnity, ₱75,000.00 as moral damages, and ₱75,000.00 as exemplary damages.²⁵

The RTC ruled the presence of all the elements of statutory rape: (1) the accused had carnal knowledge of the offended party, and (2) the offended party was below 12 years at the time of the commission of the crime. Jurisprudence dictates that the slightest touch of the vagina consummates rape, and vaginal pain indicates penile penetration. Here, the medico-legal officer found clear evidence of blunt force or penetrating trauma to the vagina. Further, it was uncontested that the victim was seven years old at the time of the commission of the crime. Hence, the RTC convicted Gratela of statutory rape through sexual intercourse.²⁶ Gratela appealed his conviction to the CA.²⁷

The CA Decision

On March 27, 2015, the CA rendered a decision denying the appeal and affirming the RTC decision.²⁸

The CA rejected Gratela's argument that it was impossible to commit the sexual act inside his house where other people reside. Jurisprudence pronounced that lust is no respecter of time and place, so that rape can occur even when people are around. Here, Gratela committed the sexual act inside his room while his sister was sleeping in the other room. Thus, his claim fails.²⁹

The CA also turned down Gratela's contention that AAA's accusation is questionable because of the length of time it took to report the crime. The CA stated that there was sufficient explanation for the delay in reporting the crime. AAA was only seven years at the time of the incident and was easily threatened of the shame it would bring if she told anyone about it. When AAA was a teenager, she found courage to share her secret to her mother.³⁰

²⁴ Records, p. 8.

²⁵ CA *rollo*, p. 26.

²⁶ Id. at 25-26.

²⁷ Records, p. 98.

²⁸ *Rollo*, p. 9.

²⁹ Id. at 6.

³⁰ Id. at 6-7.

The CA held that AAA's narration is consistent with the medico-legal officer's report showing healed laceration caused by a blunt force or penetrating trauma due to sexual intercourse. The defense of denial and alibi were unsupported and did not overcome AAA's positive identification. Hence, the CA affirmed Gratela's conviction. The accused appealed to the Court.³¹

The Issue Presented

The parties manifested that they will no longer file a supplemental brief as the issues and arguments had been discussed in their respective briefs filed before the CA. In essence, they are adopting the briefs as their supplemental briefs.³²

Accused-appellant Gratela contends that: (1) it was improbable for him to commit the sexual act considering that he had companions in the house; (2) the veracity and accuracy of AAA's account is questionable because of the lapse of time before she revealed the incident; (3) BBB's testimony was inconsistent with AAA's testimony; and (4) the medico-legal officer who examined AAA did not testify in court as to her findings.³³

On the other hand, the complainant-appellee People of the Philippines, through the Office of the Solicitor General (OSG), maintains that: (1) the prosecution had proven Gratela's guilt beyond reasonable doubt as all the elements of the crime had been established; and (2) the medico-legal officer appeared in court on June 23, 2010.³⁴

In sum, the issue to be resolved is whether or not CA erred in affirming Gratela's conviction.

The Court's Ruling

The appeal is denied.

In *People v. Ejercito*,³⁵ the Court explained that Republic Act (R.A.) No. 8353 or the Anti-rape Law, amending the Revised Penal Code (RPC), should be uniformly applied in rape cases against minors. The *Ejercito* case was reiterated in the more recent case of *People v. Tulagan*.³⁶

Between Article 266-A of the RPC, as amended by [R.A. No.] 8353, x x x and Section 5 (b) of [R.A. No.] 7610, the Court deems it apt to clarify that Ejercito should be convicted under the former. Verily, penal laws are crafted by legislature to punish certain acts, and when two (2)

³¹ Id. at 10-11.

³² Id. at 17-18; 22.

³³ CA rollo, pp. 45-49.

³⁴ Id. at 71-73.

³⁵ *People v. Ejercito*, G.R. No. 229861, July 2, 2018.

³⁶ *People v. Tulagan* G.R. No. 227363, March 12, 2019.

f

penal laws may both theoretically apply to the same case, then the law which is more special in nature, regardless of the time of enactment, should prevail. In *Teves v. Sandiganbayan*:

It is a rule of statutory construction that where one statute deals with a subject in general terms, and another deals with a part of the same subject in a more detailed way, the two should be harmonized if possible; but **if there is any conflict, the latter shall prevail regardless of whether it was passed prior to the general statute.** Or where two statutes are of contrary tenor or of different dates but are of equal theoretical application to a particular case, **the one designed therefor specially should prevail over the other.** (Emphases in the original)

After much deliberation, **the Court herein observes that [R.A. No.] 8353 amending the RPC should now be uniformly applied in cases involving sexual intercourse committed against minors, and not Section 5 (b) of [R.A. No.] 7610.** Indeed, while [R.A. No. 7610] has been considered as a special law that covers the sexual abuse of minors, [R.A. No.] 8353 has expanded the reach of our already existing rape laws. These existing rape laws should not only pertain to the old Article 335 of the RPC but also to the provision on sexual intercourse under Section 5 (b) of [R.A. No.] 7610 which, applying *Quimvel's* characterization of a child "exploited in prostitution or subjected to other abuse," virtually punishes the rape of a minor. (Emphasis supplied)

Article 266-A of the RPC states that rape through sexual intercourse is committed as follows:

ART. 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 is otherwise unconscious;
 - c. By means of fraudulent machination or grave abuse of authority;
 - 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.** (Emphasis supplied)

The elements necessary to sustain a conviction for statutory rape are: (1) the offender is a man; (2) he had carnal knowledge of a woman; and (3) the offended party is under 12 years old.

Y

First, it is undeniable that the accused is a man. Second, the records do not show that the accused questioned the victim's age. In fact, the parties stipulated during pre-trial that the victim was seven years old at the time of the commission of the crime. Third, the fact of carnal knowledge was proven through the AAA's *Sinumpaang Salaysay* and testimony in court. BBB's *Sinumpaang Salaysay* and testimony, the Initial Medico-Legal Report, Medico-Legal Report R09-874, and the medico-legal officer's testimony all corroborate that Gratela had carnal knowledge of AAA.

AAA positively identified Gratela as her abuser. She testified that they were both not wearing any lower garments as he rubbed his private organ against her private organ. She also felt pain on her vagina. Medico-Legal Report R09-874 reveals that: *Left perihymenal region: presence of healed laceration. Right perihymenal region: presence of petechiae.*³⁷ The medico-legal officer explained that *petechiae is due to a blunt force causing the blood vessel to erupt and it appears as red clots.*³⁸ She concluded that there is *clear evidence of blunt force or penetrating trauma* and was caused by a penis of a man.³⁹

In *People v. XXX*,⁴⁰ a rape case where the complainant did not see the penetration, the Court held that the complainant's testimony as corroborated by the medical findings prove penetration.

Appellant, nonetheless, harps on the prosecution's alleged failure to prove penile penetration as an element of carnal knowledge. He zeroes in on complainant's testimony that she did not actually see him insert his penis in her vagina.

On this score, We reckon with complainant's graphic account "*Inilalagay po niya iyong ari niya sa ari ko, ma'am.*" x x x "*It was his penis, ma'am.*" x x x "*It was very painful.*" If this is not penile penetration, what is?

While appellant's conviction was primarily based on complainant's testimony, the same solidly conforms with the physical evidence through the medical findings of Dr. Dean Cabrera that complainant sustained hymenal lacerations at 3 and 9 o'clock positions showing blunt penetrating trauma. The Court has consistently ruled that when a rape victim's straightforward and truthful testimony conforms with the medical findings of the examining doctor, the same is sufficient to support a conviction for rape. So must it be.

Here, AAA's allegation of rape is consistent with the medico-legal report, which indicates healed hymenal lacerations and red clots. The pain that AAA felt during the sexual act and the presence of healed laceration

³⁷ Records, p. 56.

³⁸ TSN, June 23, 2010, p. 10.

³⁹ Records, p. 56; TSN, June 23, 2010, pp. 10-11.

⁴⁰ G.R. No. 222492, June 3, 2019.

T

prove that there was penile penetration. Following the above jurisprudence, we sustain Gratela's conviction.

Gratela alleged that it was improbable for him to commit the sexual act considering that he had companions in the house. The Court disagrees. In *People v. Adajar*,⁴¹ the Court rejected the accused's similar defense.

Adajar persistently insists that he could not possibly have done those acts accused of him since the house where he allegedly committed them was always filled with people. Unfortunately for him, however, this contention had already been refuted many times before. Settled is the rule that the presence of people in a certain place is no guarantee that rape will not and cannot be committed. Time and again, the Court has held that for rape to be committed, it is unnecessary for the place to be ideal, or the weather to be fine, for rapists bear no respect for place and time when they execute their evil deed. Rape may be committed inside a room in a crowded squatters' colony and even during a wake.

The Court has no reason to overturn the settled rule in *Adajar* case. It was established that the crime was committed in a room separate from the others in the house. The privacy provided an opportunity in the commission of the crime.

Gratela also averred that the veracity and accuracy of AAA's account is questionable because of the lapse of time before she revealed the incident. The Court differs. In *People v. Bejim*,⁴² the Court ruled that:

Neither the delay in reporting the incidents to the proper authorities tainted the victims' credibility. For sure, there was no prompt revelation of what befell the victims. But "long silence and delay in reporting the crime of rape have not always been construed as indications of a false accusation." "A rape charge becomes doubtful only when the delay in revealing its commission is unreasonable and unexplained." In the present case, appellant threatened the victims that he would kill them and their families if they would tell anyone of what he did to them. To our mind, this is a reasonable explanation for the delay.

Here, AAA's *Sinumpaang Salaysay*⁴³ and her testimony⁴⁴ mentioned that she was afraid that her mother, BBB, might scold her for what happened. She also testified that there were instances that her mother spanked her.⁴⁵ Her fear of her mother was so strong that she decided to keep the abuse a secret. The immature mental and emotional state of a seven-year old girl could not yet comprehend the inherently wrong act committed

⁴¹ G.R. No. 231306, June 17, 2019.

⁴² *People v. Bejim y Romero*, G.R. No. 208835, January 19, 2018.

⁴³ Records, p. 10.

⁴⁴ TSN, September 1, 2010, p. 9.

⁴⁵ Id. at 15.

against her, which needs immediate attention. It was only after two years, when AAA was in her pre-teens, when she mustered the courage to tell her secret to her mother. The Court accepts AAA's explanation as reasonable justification for the delay in reporting the crime.

Gratela further asserted that BBB's testimony was inconsistent with AAA's testimony. BBB testified that Gratela inserted his penis into AAA's vagina, which the latter did not affirm in her testimony.

The Court emphasizes that Gratela was convicted mainly due to AAA's testimony, the medico-legal officer's testimony, and the medico-legal report. Nowhere did the RTC and the CA mention that BBB's testimony was considered in their rulings. The combination of AAA and the medico-legal officer's testimonies and the medico-legal report are sufficient to support a conviction for rape as they prove the elements of the crime.

Lastly, the Court disputes Gratela's claim that the medico-legal officer did not testify in court as to her medical findings. The records show that Police Chief Inspector Marianne S. Ebdane appeared in court on June 23, 2010 and explained her findings and conclusions.

The Court is not swayed by accused-appellant Gratela's denial and alibi. He maintains that he frequently stayed at his friend's house at the time of the commission of the crime. However, he admitted during trial that his friend's house is only four blocks away from his house.⁴⁶ It was not physically impossible for him to be at the crime scene at the time of its commission. Moreover, he did not present his friends to corroborate his claim.

Gratela's weak defenses cannot prevail over AAA's positive identification of him as her abuser. Based from the testimonial evidence coupled with the result of the genital examination on AAA, the Court is convinced that the prosecution proved beyond reasonable doubt that accused-appellant Gratela succeeded in having sexual intercourse with AAA.

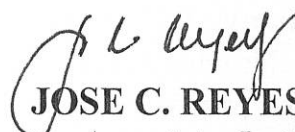
As to the penalties, the Court affirms with modification the CA's ruling to include 6% interest on all monetary awards from the finality of the decision until fully paid.

WHEREFORE, premises considered, the March 27, 2015 Court of Appeals Decision in CA-G.R. CR-HC No. 05925 is **AFFIRMED** with **MODIFICATION**.

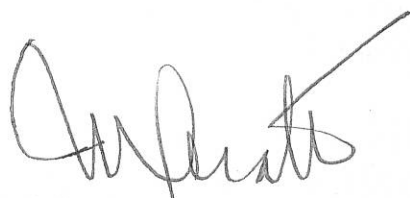
⁴⁶ TSN, June 22, 2011, p. 4.


The Court finds accused-appellant Paolo Luis Gratela y Davillo **GUILTY** beyond reasonable doubt of statutory rape and imposes the penalty of *reclusion perpetua* and **ORDERS** him to **PAY** AAA ₱75,000.00 as civil indemnity, ₱75,000.00 as moral damages, and ₱75,000.00 as exemplary damages, all subject to 6% interest from the finality of the Decision until fully paid.


SO ORDERED.


JOSE C. REYES, JR.
Associate Justice

WE CONCUR:


DIOSDADO M. PERALTA
Chief Justice
Chairperson



ALFREDO BENJAMIN S. CAGUIOA
Associate Justice


AMY C. LAZARO-JAVIER
Associate Justice

(On Official Leave)
MARIO V. LOPEZ
Associate Justice

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, 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.



DIOSDADO M. PERALTA
Chief Justice

f