



Republic of the Philippines  
Supreme Court  
Manila

FIRST DIVISION

PEOPLE OF THE PHILIPPINES,  
Plaintiff- Appellee,

G.R. No. 242216

Present:

PERALTA, C.J., Chairperson,  
CAGUIOA,  
LAZARO-JAVIER,  
LOPEZ, and  
GAERLAN,\* JJ.

- versus -

XXX,  
Accused-Appellant.

Promulgated:

SEP 22 2020

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DECISION

PERALTA, C.J.:

This is an appeal from the June 20, 2018 Decision<sup>1</sup> of the Court of Appeals (CA) in CA-G.R. CR-HC No. 02408, which affirmed with modification the July 29, 2016 Judgment<sup>2</sup> of the Regional Trial Court, Branch 56, Mandaue City (RTC), finding accused-appellant XXX guilty beyond reasonable doubt of the crime of Rape committed against AAA.<sup>3</sup>

The Facts

XXX was indicted for the crime of Rape by sexual intercourse in an Information, the accusatory portion of which states:

\* Designated additional member per Special Order No. 2788 dated September 16, 2020.

<sup>1</sup> Penned by Associate Justice Edgardo L. Delos Santos (now a Member of this Court), with Associate Justices Edward B. Contreras and Louis P. Acosta, concurring; *rollo* pp. 4-20.

<sup>2</sup> Penned by Presiding Judge Teresita A. Galanida; *CA rollo* pp. 33-43.

<sup>3</sup> The victim's name and personal circumstances, as well as the names of the victim's immediate family or household members, are withheld and replaced with fictitious initials pursuant to Section 44 of Republic Act No. 9262 and Section 40 of A.M. No. 04-10-11-SC or the Rule on Violence Against Women and their Children. See *People v. Cabalquinto*, 533 Phil. 703 (2006).

That sometimes (sic) on the 20<sup>th</sup> day of November 2017, in [REDACTED], Philippines, and within the jurisdiction of this Honorable Court, the said accused by means of force, violence and intimidation, did then and there willfully, unlawfully and feloniously have carnal knowledge with her 12-year-old minor niece [AAA] against her will.

The crime was attended by a qualifying circumstance since the accused is the uncle of the complainant, a relative within the 3<sup>rd</sup> civil degree.

CONTRARY TO LAW.<sup>4</sup>

Upon arraignment, XXX pleaded not guilty to the charge. After pre-trial was terminated, trial on the merits followed.

#### *Version of the Prosecution*

To substantiate its charge against accused XXX, the prosecution presented the minor-victim AAA, her mother BBB, her sister CCC, and Dr. Naomi N. Poca (*Dr. Poca*) as its witnesses.

The combined testimonies of AAA, BBB and CCC showed that XXX, together with his parents and younger siblings, resided in a house located at Almers compound in [REDACTED], Mandaue City. Adjoined to said house is the small dwelling place of AAA, BBB and CCC. XXX is AAA's uncle, being the younger brother of her mother BBB.

On November 20, 2007, at around 1 o'clock in the afternoon, AAA was at home because she only had a half-day class session for that day. Suddenly, XXX entered AAA's house, grabbed her by the arm and dragged her inside the bedroom. There, XXX inquired from AAA the whereabouts of her mother, sister and brother. In reply, AAA said that her mother and sister were both at work, while her brother was at school. Upon learning that AAA was alone in the house, XXX took off AAA's shorts and underwear. Then, XXX also took off his shorts and underwear. Thereupon, XXX went on top of AAA and inserted his penis inside AAA's vagina. AAA claimed that she was not able to resist or fight XXX's sexual advances because he threatened her not to make noise.

In the meantime, CCC arrived home from work at around 1 o'clock in the afternoon as she only went on a half-day duty. CCC saw a pair of slippers outside their door that she was not familiar with. Upon entering, CCC was shocked by what she had witnessed. She saw XXX and AAA both naked waist down, with XXX on top of AAA, who was then continuously crying. CCC caught XXX having carnal knowledge of AAA. Startled, XXX

<sup>4</sup>

CA rollo, p. 33.

immediately stood up. Failing to contain her fury, CCC berated and attacked XXX. CCC and XXX briefly wrestled with each other until XXX's mother (AAA and CCC's grandmother) intervened, and asked CCC not to tell the incident to anyone. Meanwhile, XXX took his shorts and underwear and ran away. CCC recalled that AAA could not utter a word and was in obvious state of shock. CCC told AAA to put on her underwear and shorts.

CCC and AAA went to the place of work of their mother, BBB, and CCC apprised the latter of what happened. BBB and CCC accompanied AAA to the police station to report the incident as well as to lodge a complaint against XXX. The following day, they proceeded to the [REDACTED] Memorial Medical Center where AAA was medically examined.

XXX was about 26 to 27 years old while, AAA was only 12 years, 3 months and 27 days old at the time of the rape incident. The birth certificate of AAA submitted by the prosecution disclosed that she born on July 23, 1995.

Dr. Poca testified that she conducted a medical examination on AAA. She did not notice any traces of injury on the private part of AAA at the time of the examination. Dr. Poca, however, observed redness around the hymen of the victim which can be caused by infection or irritation. She declared that the medical evaluation cannot exclude sexual abuse.<sup>5</sup>

### *Version of the Defense*

XXX interpose the defense of denial. He claimed that he never had sexual intercourse with AAA. He recalled that he woke at about 10 o'clock in the morning on November 20, 2007. He went to the house of his sister BBB to look for food. When he started eating, AAA arrived from school and removed her uniform. He scolded her for not attending her class. AAA replied that she was not feeling well and has a fever. He did not believe her so he asked AAA to put back her uniform. He then touched AAA to confirm his hunch that she was not really feverish. At that instant, CCC arrived and accused him of molesting AAA. He surmised that CCC came to this conclusion because AAA was then naked from waist down and he was just an arm's length away from her.<sup>6</sup>

### *RTC Ruling*

On July 29, 2016, the RTC rendered a verdict of conviction, the dispositive portion of which reads:

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<sup>5</sup> *Id.* at 34-38.

<sup>6</sup> *Id.* at 39.



Wherefore, predicated on the foregoing facts and circumstances, the Court hereby Convicts the herein accused [XXX] for the crime of Rape, in [r]elation to RA 7610 in Crim. Case No. DU-15896[,] as the prosecution has proved his guilt beyond reasonable doubt. For which reason, the Court hereby sentences the accused to suffer the penalty of *reclusion perpetua* (20 years and 1 day to 40 years), without eligibility for parole, and to pay [AAA], the sum of P50,000.00 as civil indemnity and the amount of P50,000.00 as moral damages.

Said accused, however, is credited with his preventive imprisonment.

SO ORDERED.<sup>7</sup>

The RTC held that the prosecution was able to establish with certitude that XXX had carnal knowledge of AAA through force and intimidation, and such fact was established through the clear and convincing testimony of the said victim who has no motive to testify falsely against XXX. The trial court ruled that AAA's claim of rape was amply corroborated by the testimony of CCC, who actually witnessed XXX having carnal knowledge of AAA against the latter's will.

The RTC rejected the defense of denial proffered by XXX declaring the same to be unconvincing and self-serving negative evidence which could not prevail over the positive identification of him by AAA and CCC as the culprit to the dastardly deed. Finally, the RTC ruled that the presence of the qualifying circumstances of minority and relationship justified the imposition of death penalty, but because of the passage of Republic Act No. 9346, the penalty of *reclusion perpetua* without eligibility for parole was imposed against XXX instead.

Not in conformity, XXX appealed the July 29, 2016 RTC Decision before the CA.

### *The CA Ruling*

On June 20, 2018, the CA rendered its assailed Decision affirming the conviction of XXX for Rape by sexual intercourse. The appellate court declared that the credible testimony of AAA was sufficient to sustain XXX's conviction for the crime charged. It, likewise, debunked appellant's denial declaring that the same was not satisfactorily established and not at all persuasive when pitted against the positive and convincing identification by the victim. The CA considered the testimony of CCC to be in the nature of a circumstantial evidence of the sexual intercourse between XXX and AAA. It

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<sup>7</sup> *Id.* at 43.



increased the amounts awarded for civil indemnity and moral damages to ₱100,000.00 each in consonance with the prevailing jurisprudence. The CA, likewise, determined that AAA is entitled to the award of ₱100,000.00 by way of exemplary damages. The *fallo* of the Decision reads:

WHEREFORE, the appeal is DENIED. The Judgment dated 29 July 2016 rendered by the Regional Trial Court, Branch 56, Mandaue City in Criminal Case No. DU-15896, is AFFIRMED with MODIFICATION, in that:

- 1) [XXX] is ordered to pay AAA the amount of One Hundred Thousand Pesos (P100,000.00) as civil indemnity, One Hundred Thousand Pesos (P100,000.00) as moral damages, and One Hundred Thousand Pesos (P100,000.00) as exemplary damages; and
- 2) All damages awarded shall earn an interest of six percent (6%) per annum to be computed from the finality of this Decision until fully paid.

SO ORDERED.<sup>8</sup>

### The Issues

Unfazed, XXX filed the present appeal and posited the same issues he previously raised before the CA, to wit:

#### I

THE TRIAL COURT ERRED IN GIVING FULL FAITH AND CREDENCE TO THE TESTIMONY OF THE PRIVATE COMPLAINANT, AAA

#### II

THE TRIAL COURT ERRED IN CONVICTING THE ACCUSED-APPELLANT DESPITE THE FAILURE OF THE PROSECUTION TO PROVE AND ESTABLISH HIS GUILT BEYOND REASONABLE DOUBT.<sup>9</sup>

In the Resolution<sup>10</sup> dated November 12, 2018, the Court directed both parties to submit their supplemental briefs, if they so desired. On January 31, 2019, the Office of the Solicitor General filed a Manifestation and Motion<sup>11</sup> stating that it will no longer file a supplemental brief as its Appellee's Brief had sufficiently ventilated the issues raised. On February 28, 2019, the accused-appellant filed a Manifestation<sup>12</sup> averring that he would adopt all his arguments in his Appellant's Brief filed before the CA.

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<sup>8</sup> *Rollo*, p. 19.

<sup>9</sup> *CA rollo*, p. 19.

<sup>10</sup> *Rollo* pp. 28-29.

<sup>11</sup> *Id.* at 30-31.

<sup>12</sup> *Id.* at 34-35.

### The Court's Ruling

Essentially, XXX faults the RTC for giving undue faith and credence on the testimony of AAA. He theorizes that the prosecution evidence failed to overcome his constitutional presumption of innocence because it was not established that he employed force, threat or intimidation against AAA in the alleged commission of the crime.

Further, XXX submits that it is highly improbable that the alleged rape took place in broad daylight and inside a place adjacent to the house where his mother was then present, arguing that rape is essentially committed in secret, away from the prying eyes of anybody. He avers that the improbabilities in the testimonies of AAA and CCC cast serious doubt on the veracity of the prosecution's charge. Lastly, he points out that the medical findings of Dr. Poca effectively belied the prosecution's claim of forced coitus since no injury was found on AAA's private part.

Appellant's contentions fail to muster legal and rational merit.

In rape cases, the conviction of the accused rests heavily on the credibility of the victim. Hence, the strict mandate that all courts must examine thoroughly the testimony of the offended party. While the accused in a rape case may be convicted solely on the testimony of the complaining witness, courts are, nonetheless, duty-bound to establish that their reliance on the victim's testimony is justified. Courts must ensure that the testimony is credible, convincing, and otherwise consistent with human nature. If the testimony of the complainant meets the test of credibility, the accused may be convicted on the basis thereof.<sup>13</sup>

It is settled that the evaluation by the trial court of the credibility of witnesses and their testimonies are entitled to the highest respect. This is in view of its inimitable opportunity to directly observe the witnesses and their deportment, conduct and attitude, especially during cross-examination. Thus, unless it is shown that its evaluation was tainted with arbitrariness or certain facts of substance and value have been plainly overlooked, misunderstood, or misapplied, the same will not be disturbed on appeal.<sup>14</sup> No such facts were overlooked or misconstrued in the case at bench.

In rape cases, the conviction of the accused rests heavily on the credibility of the victim. Here, the trial court found AAA's testimony to be credible as it was made in a "straightforward and spontaneous"<sup>15</sup> manner.

<sup>13</sup> *People v. Publico*, 664 Phil. 168, 180 (2011).

<sup>14</sup> *People v. Agustin*, 690 Phil. 17, 27 (2012).

<sup>15</sup> *CA rollo*, p. 41.

Notably, the CA agreed with the RTC on this point and saw no reason to overturn the same. After approximating the perspective of the trial court through a meticulous scrutiny of the records, the Court likewise finds no justification to disturb the findings of the RTC. Despite his vigorous protestations, the Court agrees with the findings of the courts *a quo* that the prosecution was able to prove beyond reasonable doubt that XXX raped AAA on that fateful afternoon of November 20, 2007.

The trial court's reliance on the victim's testimony is apt, considering that it was credible in itself and buttressed by the testimony of her sister, CCC. AAA was able to convey the details of his traumatic experience in the hands of XXX in simple yet convincing and consistent manner. Without hesitation, AAA pointed an accusing finger against XXX as the person who ravished and sexually molested her. She credibly recounted how XXX held her by the arm and forcibly pulled her to the bedroom; that upon learning that she is alone, XXX took off her shorts and underwear; he then removed his shorts and underwear, placed himself on top of AAA and inserted his penis into her vagina. AAA could not offer any resistance or fight XXX because he threatened her not to make any noise. Thus, she kept quiet and cried silently while appellant consummated her carnal knowledge of her.

Taking advantage of AAA's minority, XXX was able to put his penis inside said victim's vagina to satisfy his lust. Considering the discrepancy between the ages of XXX and AAA, and that said appellant is the victim's uncle who frequented her house and exercised influence over her, it need no longer be belabored upon that the sexual molestation was committed by threat, force or intimidation because moral ascendancy or influence takes the place of violence and intimidation.<sup>16</sup>

We quote with approval the following observation of the CA, to wit:

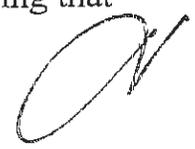
Here, since accused-appellant was her mother's younger brother, AAA naturally regarded the accused-appellant as a close family member. With the absence of her real father, she would naturally recognize the parental authority exercised by accused-appellant over her and, in return, she gave the reverence and respect due him as a father. Undeniably, accused-appellant exercised moral ascendancy over the victim. His moral ascendancy and influence over AAA substituted for actual physical violence and intimidation, which made her easy prey for his sexual advances. Accused-appellant's moral and physical dominion of AAA were sufficient to cow her into submission to his beastly desires.<sup>17</sup>

AAA's statements pertaining to the identity of XXX as her violator and the perverse act he visited upon her were straightforward and categorical. Her simple narration evinces her sincerity and truthfulness. It bears stressing that

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<sup>16</sup> *People v. Yatar*, 472 Phil. 556, 574 (2004).

<sup>17</sup> *Rollo*, pp. 15-16.



AAA was only twelve (12) years old when she was raped and sixteen (16) years old when she testified before the RTC. The Court has held time and again that testimonies of child-victims are normally given full weight and credit. When the offended party is of tender age and immature, courts are inclined to give credit to her account of what transpired, considering not only her relative vulnerability but also the shame to which she would be exposed if the matter to which she testified is not true.<sup>18</sup> Their youth and immaturity are generally badges of truth and sincerity.<sup>19</sup> Hailed to the witness stand, AAA never faltered in her positive identification of appellant or gave any statements materially inconsistent with her entire testimony.

Worth noting too is the fact that there is no evidence or even a slightest indication that AAA was impelled by an improper motive in making the accusation against her uncle XXX. The absence of any improper motive of AAA to impute such a serious offense against XXX persuades us that said minor victim filed the rape charge against appellant for no other reason than to seek justice for the dastardly deed done against her. Settled is the doctrine that when there is no evidence to show any dubious reason or improper motive why a prosecution witness should testify falsely against the accused or implicate him in a serious offense, the testimony deserves full faith and credit.<sup>20</sup> We are, thus, convincingly assured that the RTC prudently fulfilled its obligation as a factual assessor and legal adjudicator.

Anent XXX's contention that it is improbable that he could sexually molest AAA inside a place adjacent to the house where his mother was, suffice it to state that lust is no respecter of time and place.<sup>21</sup> The Court has repeatedly held that rape can be committed even in places where people congregate, in parks along the roadsides, in school premises, in a house where there are other occupants, in the same room where other members of the family are also sleeping, and even in places which to many, would appear unlikely and high risk venues for its commission.<sup>22</sup>

The absence of injury in the private part of AAA is not fatal to the cause of the prosecution. Hymenal rapture, vaginal laceration or genital injury is not indispensable because the same is not an element of the crime of rape.<sup>23</sup> Even an intact hymen does not negate the finding that the victim was raped.<sup>24</sup> What is decisive in a rape charge is that the commission of the rape by the accused against the complainant has been sufficiently proven, as in the case at bench.

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<sup>18</sup> *People v. Prodeciado*, 749 Phil. 746, 758 (2014).

<sup>19</sup> *People v. Guambor*, 465 Phil. 671, 678 (2004).

<sup>20</sup> *People v. Degamo*, 450 Phil. 159, 175 (2003).

<sup>21</sup> *People v. Castel*, 593 Phil. 288, 314 (2008).

<sup>22</sup> *People v. Malones*, 469 Phil. 301, 326 (2004).

<sup>23</sup> *People v. Valenzuela*, 597 Phil. 732, 745 (2009).

<sup>24</sup> *People v. Tampos*, 455 Phil. 844, 858 (2003).

Appellant's denial must be rejected as the same could not prevail over AAA's unwavering testimony and of her positive and firm identification of him as the man who had undressed her and sexually gratified himself off her. As a negative evidence, it pales in comparison with a positive testimony that asserts the commission of a crime and the identification of the accused as its culprit.<sup>25</sup> We find that the facts in the instant case do not present any exceptional circumstance warranting a deviation from this established rule. Thus, it is clear that appellant could no longer hide behind the protective shield of his presumed innocence.

The Court finds that the penalty imposed by the RTC is correct. The special qualifying circumstances of the victim's minority and her relationship to appellant were properly alleged in the Information and duly proved during trial warranting the imposition of the supreme penalty of death on appellant. However, in view of the enactment of Republic Act No. 9346 prohibiting the imposition of the death penalty, the penalty to be meted on appellant is *reclusion perpetua* without eligibility for parole in accordance with Sections 2<sup>26</sup> and 3<sup>27</sup> thereof.

With respect to the award of damages, the CA, following prevailing jurisprudence,<sup>28</sup> correctly awarded ₱100,000.00 as civil indemnity, ₱100,000.00 as moral damages, and ₱100,000.00 as exemplary damages. Further, six percent (6%) interest *per annum* shall be imposed on all damages awarded to be reckoned from the date of the finality of this judgment until fully paid.<sup>29</sup>

**WHEREFORE**, the appeal is **DISMISSED**. The Decision of the Court of Appeals dated June 20, 2018 in CA-G.R. CR-HC No. 02408 is hereby **AFFIRMED**. Accused-appellant XXX is found **GUILTY** beyond reasonable doubt of Qualified Rape by Sexual Intercourse and is sentenced to suffer the penalty of *Reclusion Perpetua* without eligibility for parole. He is **ORDERED** to **PAY** the victim AAA the amounts of ₱100,000.00 as civil indemnity, ₱100,000.00 as moral damages and ₱100,000.00 by way of exemplary damages. He is also **ORDERED** to **PAY** interest at the rate of six percent (6%) *per annum* from the time of finality of this Decision until fully paid, to be imposed on the civil indemnity, moral damages and exemplary damages.

<sup>25</sup> *People v. Canares*, 599 Phil. 60, 76 (2009).

<sup>26</sup> SEC. 2. In lieu of the death penalty, the following shall be imposed:

(a) the penalty of *reclusion perpetua* when the law violated makes use of the nomenclature of the penalties of the Revised Penal Code.

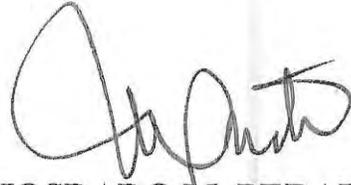
(b) x x x.

<sup>27</sup> SEC. 3. Persons convicted of offenses punished with *reclusion perpetua*, or whose sentences will be reduced to *reclusion perpetua* by reason of this Act, shall not be eligible for parole under Act No. 4180, otherwise known as the Indeterminate Sentence Law, as amended.

<sup>28</sup> *People v. Jugueta*, 783 Phil. 806 (2016).

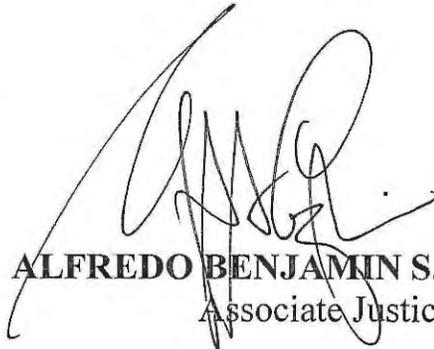
<sup>29</sup> *People v. Romobio*, G.R. No. 227705, October 11, 2017.

**SO ORDERED.**

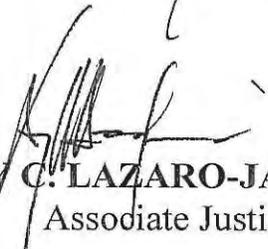


**DIOSDADO M. PERALTA**  
Chief Justice

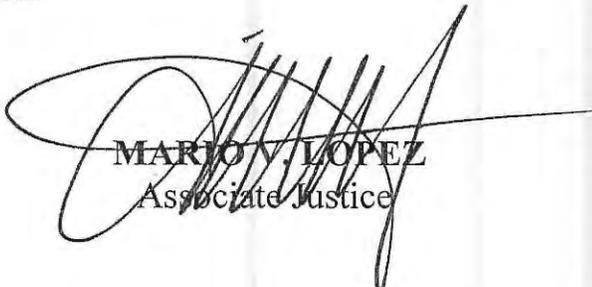
**WE CONCUR:**



**ALFREDO BENJAMIN S. CAGUIOA**  
Associate Justice



**AMY C. LAZARO-JAVIER**  
Associate Justice



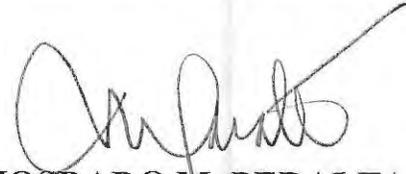
**MARIO V. LOPEZ**  
Associate Justice



**SAMUEL H. GAERLAN**  
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