



Republic of the Philippines
 Supreme Court
 Manila

FIRST DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff-Appellee,

G.R. No. 219850

Present:

GESMUNDO, C.J.,
Chairperson,
 CAGUIOA,
 CARANDANG,
 ZALAMEDA, *and*
 GAERLAN, JJ.

- versus -

RON RON SAN PEDRO y SERVANO,*
Accused-Appellant.

Promulgated:

~~JUL 14 2021~~

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DECISION

GAERLAN, J.:

This resolves the appeal filed by accused-appellant Ron Ron San Pedro y Servano (Ron Ron) against the affirmance¹ by the Court of Appeals (CA) of his conviction² for rape, as defined and penalized in Article 266-A of the Revised Penal Code (RPC).

Antecedents

Ron Ron was criminally charged with raping AAA³ a deaf and mute 19-year-old woman. The Information, dated July 19, 2010, states:

* Also referred to as Ron Ron San Pedro y Servanto in some parts of the record.

¹ *Rollo*, pp. 2-9. Decision of the Court of Appeals in CA-G.R. CR HC No. 06052, dated November 11, 2014. Penned by Associate Justice Ricardo R. Rosario (now a Member of this Court), with Associate Justices Rebecca de Guia-Salvador and Leoncia Real-Dimagiba, concurring.

² CA *rollo*, pp. 24-33. Decision of the Regional Trial Court of ██████ City, Branch 133 dated February 13, 2013 in Criminal Case No. 10-1257. Penned by Presiding Judge ██████.

³ The identity of the victim or any information which could establish or compromise her identity, as well as those of her immediate family or household members, shall be withheld pursuant to Republic Act

The undersigned Prosecutor accuses RON RON SAN PEDRO y SERVANO of the crime of rape, committed as follows:

On or about the 7th day of July 2010, in the city of Makati, the Philippines, accused by means of force and intimidation, did then and there willfully, unlawfully, and feloniously have carnal knowledge of complainant [AAA] who is deaf and mute, against her will and consent.⁴

Upon arraignment, Ron Ron pleaded not guilty.⁵ During pre-trial, the parties agreed to stipulate on the jurisdiction of the court and the identity of the accused. During the trial, the prosecution offered the testimonies of the private complainant AAA, AAA's mother, BBB,⁶ the investigating officer Police Officer 3 Edwin Umali (PO3 Umali), and the medico-legal officer who examined AAA, Dr. Jericho AQ Cordero (Dr. Cordero).⁷ The defense presented Ron Ron and his live-in partner Jamille Joy G. Macoy (Matet) as witnesses.⁸

Version of the Prosecution

By writing⁹ and through a sign language interpreter,¹⁰ AAA testified that on the night of July 6, 2010, she went to the house of her best friend Matet¹¹ for a drinking session¹² which lasted until the next morning. Among the persons

No. 7610, entitled "AN ACT PROVIDING FOR STRONGER DETERRENCE AND SPECIAL PROTECTION AGAINST CHILD ABUSE, EXPLOITATION AND DISCRIMINATION, AND FOR OTHER PURPOSES," approved on June 17, 1992; R.A. No. 9262, entitled "AN ACT DEFINING VIOLENCE AGAINST WOMEN AND THEIR CHILDREN, PROVIDING FOR PROTECTIVE MEASURES FOR VICTIMS, PRESCRIBING PENALTIES THEREFOR, AND FOR OTHER PURPOSES," approved on March 8, 2004; 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). (See footnote 4 in *People v. Cadano, Jr.*, 729 Phil. 576, 578 [2014], citing *People v. Lomaque*, 710 Phil. 338, 342 [2013]. See also 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," dated September 5, 2017.) See further *People v. Ejercito*, G.R. No. 229861, July 2, 2018.

⁴ CA rollo, pp. 13-14.

⁵ Order dated August 24, 2010. Records, p. 31.

⁶ See footnote 3.

⁷ RTC Decision, CA rollo, pp. 24-25.

⁸ Id. at 27.

⁹ Before commencing AAA's direct examination, the prosecution manifested that she can read and write; and consequently, her testimony shall be presented in the form of a judicial affidavit. (TSN, October 5, 2010, p. 7) The judicial affidavit is in Records, pp. 49-52. At the subsequent hearing, AAA testified by writing down her answers in the same sheet of paper where the court interpreter wrote the questions propounded to her (TSN, October 27, 2010, p. 5).

¹⁰ Before commencing its cross-examination of AAA, the defense manifested that it would arrange for the appointment of a sign language interpreter (TSN, October 27, 2010, p. 11; Order dated October 27, 2010, Records, p. 48). On January 12, 2011, the defense filed a Motion for Appointment of Sign Language Interpreter in accordance with Supreme Court Memorandum Order No. 59-2004 and Office of the Court Administrator (OCA) Circular No. 95-2007 (Id. at 76-78). The motion was granted through an order dated January 21, 2011 (Id. at 83). Subsequently, AAA's cross-examination and re-direct examination were conducted through the assistance of a court-appointed sign language interpreter. (TSN, June 6, 2012, p. 2).

¹¹ Judicial Affidavit of AAA, records, p. 50. AAA and Matet have been friends since 2007. They communicate through e-mail, text and Facebook. TSN, February 7, 2012, pp. 4-6.

¹² TSN, February 7, 2012, pp. 7-8.

present was accused Ron Ron.¹³ AAA drank three bottles of Red Horse beer.¹⁴ When the drinking session ended, Ron Ron asked money from AAA to buy food.¹⁵ Together, they left Matet's house to buy *pares*.¹⁶ AAA told Ron Ron that she would eat the *pares* at her house¹⁷ but Ron Ron said that he would go with her.¹⁸ AAA acceded and they ate at her house.¹⁹ Ron Ron then went upstairs and gestured to AAA to follow her.²⁰ AAA did not follow him because she was still smoking.²¹ When AAA went upstairs, she saw Ron Ron fast asleep on her bed.²² She lay down beside Ron Ron and fell asleep.²³ When she woke up, she found that her denim shorts²⁴ had been removed and Ron Ron was on top of her.²⁵ She tried to resist by punching Ron Ron but the latter overpowered her and was able to rape her.²⁶ Ron Ron immediately fled the scene but AAA followed him to Matet's house where he was staying.²⁷ When they reached Matet's house, Ron Ron pointed a knife at her.²⁸ She held Ron Ron's hand and he put the knife down.²⁹ Thereafter, AAA went to the police station to report the event.³⁰ The police were able to arrest Ron Ron but he was released after AAA agreed not to press charges.³¹ BBB learned about the incident and went to the police station to inform the police that they could not just withdraw the complaint against Ron Ron without her consent because her daughter is a deaf-mute.³² Thus, the police arrested Ron Ron again.³³ AAA executed a sworn statement before the police women's desk and underwent medico-legal examination.³⁴

BBB testified that AAA is one of her two children.³⁵ At around noon of July 7, 2010, she was at the police station where AAA reported the rape incident.³⁶ She inquired about Ron Ron's whereabouts and asked the police why they released him on the mere say-so of AAA.³⁷ BBB asserted that her daughter "does not understand anything"³⁸ and that the police should have waited for her

¹³ Judicial Affidavit of AAA, records, p. 50.

¹⁴ TSN, February 7, 2012, pp. 9-10.

¹⁵ Judicial Affidavit of AAA, records, p. 50.

¹⁶ Id.

¹⁷ At that time, AAA resided in [REDACTED]. Id.

¹⁸ Id.

¹⁹ Id.

²⁰ Id.; TSN, February 7, 2012, pp. 12-13.

²¹ Id.

²² Id.

²³ Id.; TSN, February 7, 2012, pp. 13-15.

²⁴ AAA testified that she was wearing knee-length denim shorts at that time. TSN, February 7, 2012, p. 15.

²⁵ Id.

²⁶ Id.

²⁷ Id.; TSN, February 7, 2012, p. 25.

²⁸ TSN, February 7, 2012, p. 17; TSN, June 5, 2012, pp. 2-3.

²⁹ TSN, June 5, 2012, p. 3.

³⁰ Judicial Affidavit of AAA, records, p. 50.

³¹ Id.; TSN, February 7, 2012, pp. 19-21, 25-26; TSN, June 5, 2012, p. 4.

³² Id. at 51.

³³ Id.

³⁴ Id.

³⁵ TSN, June 5, 2012, p. 4.

³⁶ Id. at 8.

³⁷ Id.

³⁸ Id.

action on the matter since she is AAA's mother.³⁹ Upon instruction of the police officers, she went home to fetch AAA.⁴⁰ She asked AAA about what happened and AAA confirmed that she was really raped by Ron Ron.⁴¹ They then returned to the police station where they answered questions from the police⁴² and executed sworn statements.⁴³ After that, they went to Camp Crame where AAA underwent a medico-legal examination.⁴⁴ She further testified that AAA would sometimes leave the house alone, but BBB was not comfortable leaving her daughter alone.⁴⁵

Dr. Cordero testified that he is a pathologist and a medico-legal officer; and that he conducted a medico-legal examination on AAA pursuant to a letter-request dated July 7, 2010.⁴⁶ Further, he said that during his examination of AAA, he found that AAA sustained several injuries to her genital area, including a fresh laceration on her hymen at the 7 o'clock position.⁴⁷ She also sustained a wrist contusion, swelling and abrasion on the back portion of her left hand, and swelling on the back portion of her right hand.⁴⁸ Dr. Cordero explained that contusion injuries are caused by blunt force applied on the body; and that lacerations in the hymen are caused by blunt and penetrating force or object inserted into that area.⁴⁹ The laceration on AAA's hymen was fresh, meaning that it arose within 24 hours from the date of the examination, or from July 6 to July 7, 2010.⁵⁰

PO3 Umali testified that he was on duty at the PCP 3 [REDACTED] City police station on July 7, 2010.⁵¹ At about noon, the desk officer called on him to respond to a rape incident involving AAA who had pointed to Ron Ron as the culprit.⁵² Together with PO2 Pumaloy, they went to Matet's house to look for Ron Ron. They introduced themselves to Ron Ron as police officers, invited him to the police station, and informed him of his rights.⁵³ PO3 Umali positively identified Ron Ron in open court as the person he invited to the police station.⁵⁴

³⁹ Id.

⁴⁰ Id. at 9.

⁴¹ Id.

⁴² Id.

⁴³ Id. at 10.

⁴⁴ Id.

⁴⁵ Id. at 11-12.

⁴⁶ TSN, April 26, 2011, p. 4.

⁴⁷ Id. at 5, 7.

⁴⁸ Id. at 6.

⁴⁹ Id. at 7-8.

⁵⁰ Id. at 8.

⁵¹ TSN, May 31, 2011, pp. 3-4.

⁵² Id. at 4-5.

⁵³ Id. at 5.

⁵⁴ Id. at 5-6.

The prosecution offered the following documentary exhibits: Sworn complaint of AAA dated July 8, 2010;⁵⁵ Sworn statement of BBB;⁵⁶ Medico-Legal Report No. R10-1300 dated July 9, 2012;⁵⁷ Joint Affidavit of Arrest executed by PO3 Umali and PO2 Ricardo Pumaloy;⁵⁸ Final Investigation Report dated July 8, 2010;⁵⁹ Judicial Affidavit of AAA;⁶⁰ Letter Request for Medico-Legal examination;⁶¹ Manifestation of Consent (to Medico-Legal examination) by BBB;⁶² two-page Protocol of Sexual Cases;⁶³ and Anatomical Sketch with markings,⁶⁴ which were all admitted into evidence.⁶⁵

Version of the Defense

Ron Ron, who was 21 years old at the time of his testimony in 2012, admitted that he had sexual intercourse with AAA on July 7, 2010, but asserted that their relation was consensual.⁶⁶ According to Ron Ron, he had known AAA since 2005; and they communicated using sign language, text messaging, social media, and chat.⁶⁷ He and AAA had gone out together several times;⁶⁸ and AAA would often visit him alone at the house of Matet's parents in [REDACTED], where he lived together with Matet.⁶⁹ AAA is Matet's best friend.⁷⁰ Sometimes AAA went with him to his place in Las Piñas where they would have drinking sprees.⁷¹ At about 7:30 p.m. of July 6, 2010, Ron Ron was having a drinking session at his residence together with Matet, and two others named King Ogawa (King) and Steven Balbino (Steven).⁷² They were finishing up when AAA arrived at around 1:00 a.m.⁷³ of the following day and she saw three bottles of Red Horse beer; thereafter, AAA invited Ron Ron, who was already drunk at that point,⁷⁴ to drink the remaining three bottles,⁷⁵ to which he reluctantly agreed.⁷⁶ They finally finished drinking at 3:30 a.m., at which point Ron Ron, King, Steven, and AAA went to [REDACTED] Street to buy *pares*.⁷⁷

⁵⁵ Records, p. 17.

⁵⁶ Id. at 18.

⁵⁷ Id. at 40.

⁵⁸ Id. at 21.

⁵⁹ Id. at 15-16.

⁶⁰ Id. at 49-52.

⁶¹ Id. at 112.

⁶² Id. at 115.

⁶³ Id. at 113-114, 116.

⁶⁴ Id. at 109.

⁶⁵ Order dated August 6, 2012, id. at 189.

⁶⁶ TSN, August 23, 2012, pp. 6, 13-19, 26.

⁶⁷ Id. at 7.

⁶⁸ Id. at 7-8.

⁶⁹ Id. at 7-10; records, pp. 6, 8. Ron Ron and Matet have been living together since 2006. TSN, September 4, 2012, p. 2.

⁷⁰ TSN, September 4, 2012, pp. 2-3.

⁷¹ TSN, August 23, 2012, p. 9.

⁷² Id. at 10; TSN, September 4, 2012, p. 3.

⁷³ TSN, September 4, 2012, p. 3.

⁷⁴ Id. at 3.

⁷⁵ TSN, August 23, 2012, pp. 9-10; records, p. 8.

⁷⁶ TSN, August 23, 2012, p. 11.

⁷⁷ Id.; TSN, September 4, 2012, p. 4.

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AAA invited the group to eat the *pares* and resume drinking at her place, but only Ron Ron came with her.⁷⁸ AAA's house in [REDACTED] was just five blocks away from Matet and Ron Ron's residence.⁷⁹ There was no one in AAA's house when they arrived.⁸⁰ Ron Ron ate in the kitchen and then lay on the sofa. Ron Ron was about to sleep when AAA invited her to go upstairs to continue drinking in her room, to which he acceded.⁸¹ Ron Ron lay down on AAA's bed⁸² at the latter's request,⁸³ after which he fell asleep. About 10 minutes later,⁸⁴ he felt AAA lying down on the bed beside him.⁸⁵ AAA then kissed his lips and the left side of his body.⁸⁶ Ron Ron did not resist and he ended up having sexual intercourse with AAA.⁸⁷ However, he suddenly came to his senses, got up, and put his clothes on.⁸⁸ Ron Ron went home and AAA followed him.⁸⁹ Once inside, Ron Ron told AAA that he could not keep their liaison a secret from Matet,⁹⁰ to which AAA responded by punching him repeatedly.⁹¹ Ron Ron then put a knife in AAA's hand, placed the same on his neck, and dared AAA to just slash him.⁹² AAA put the knife away.⁹³ Then Matet came. Ron Ron told her about what happened between him and AAA.⁹⁴ While Ron Ron and Matet were talking, AAA suddenly disappeared.⁹⁵ Sometime later, barangay officials came and took Ron Ron to the police station.⁹⁶ When they arrived at the police station, AAA was already there; but she was alone and was assisted only by the police officers.⁹⁷ Ron Ron admitted to the police officers that he had sex with AAA.⁹⁸ After some discussion, Ron Ron apologized to AAA, who then withdrew her complaint, as evidenced by the entry on the police blotter which was signed by him and AAA.⁹⁹ Thereafter, he was released and returned home.¹⁰⁰ However, at about noon of the same day, police officers came to his residence and told him that he had to sign some papers at the police station.¹⁰¹ When he arrived at the station, he found BBB complaining that he had raped AAA.¹⁰²

⁷⁸ TSN, August 23, 2012, p. 12.

⁷⁹ TSN, September 4, 2012, p. 4.

⁸⁰ TSN, August 23, 2012, p. 13.

⁸¹ Id. "*kinakalabit ako [na]*" x x x "*doon na lang kami mag-inom [sa taas]*".

⁸² Ron Ron testified that there were two single beds in that upstairs room and that he lay on AAA's bed. TSN, September 4, 2012, p. 4-6.

⁸³ TSN, August 23, 2012, p. 14; TSN, September 4, 2012, pp. 4-6.

⁸⁴ TSN, September 4, 2012, p. 6.

⁸⁵ TSN, August 23, 2012, p. 14.

⁸⁶ Id. at 15. Ron Ron claimed that he could remember AAA kissing him because he was still conscious at that time despite being intoxicated. TSN, September 4, 2012, p. 8.

⁸⁷ Id. at 16. At that point, Ron Ron was still conscious and aware. TSN, September 4, 2012, p. 8.

⁸⁸ Id.

⁸⁹ Id. at 17.

⁹⁰ Id. at 18.

⁹¹ Id.

⁹² "*saksakin mo na lang ako kung hindi mo gusto yung nangyari.*" Id. at 19.

⁹³ Id.

⁹⁴ Id.

⁹⁵ Id. at 20.

⁹⁶ Id.

⁹⁷ Id.; TSN, September 4, 2012, p. 10.

⁹⁸ Id. at 21.

⁹⁹ Id. at 22-24.

¹⁰⁰ Id. at 25.

¹⁰¹ Id.

¹⁰² Id.

In her testimony, Matet referred to Ron Ron as her husband.¹⁰³ They have a child together.¹⁰⁴ She testified that she had been friends with AAA since they were young; that AAA had been deaf and mute ever since they first became friends;¹⁰⁵ and that because of AAA's condition, they communicated through sign language, texting, and Facebook chat.¹⁰⁶ At about 1:00 a.m. of July 7, 2010, Matet was at home taking care of her child while Ron Ron, AAA, and Steven were having a drinking session.¹⁰⁷ At about 3:00 a.m., she saw Ron Ron arranging empty beer bottles.¹⁰⁸ She asked Ron Ron if he wanted to rest but he told her that AAA insisted that they continue drinking, to which she acceded.¹⁰⁹ She also testified that she saw Ron Ron, Steven, and AAA leave together.¹¹⁰ The next time he saw Ron Ron was at 6:00 a.m. of the same day, when she went to look for the source of a banging she heard outside her room.¹¹¹ She saw Ron Ron and AAA in the living room.¹¹² Ron Ron was holding AAA's hand which was clasping a knife pointed at Ron Ron's neck.¹¹³ She asked them what was happening, turning first to AAA, who admitted that she had sexual intercourse with Ron Ron.¹¹⁴ Ron Ron and Matet went into their room, where he explained the matter to her and asked for her forgiveness. After their talk, they came back to the living room, where AAA had remained.¹¹⁵ When AAA saw Matet crying, she left the house.¹¹⁶ About a year after the incident,¹¹⁷ AAA apologized to Matet and intimated that she could not sleep because of what she had done to Ron Ron.¹¹⁸ She manifested her willingness to provide access to her Facebook account to prove that AAA did apologize to her for what happened to Ron Ron.¹¹⁹

For its documentary evidence, the defense offered a certified true copy of the police blotter bearing the time stamp 10:10 a.m., July 7, 2010, containing the signatures of AAA and Ron Ron, to prove that the allegation of rape was a mere misunderstanding and that AAA had agreed to withdraw her complaint.¹²⁰ The

¹⁰³ TSN, September 19, 2012, p. 2.

¹⁰⁴ Id.

¹⁰⁵ Id.

¹⁰⁶ Id.

¹⁰⁷ Id. at 2-3.

¹⁰⁸ Id. at 3.

¹⁰⁹ Id.

¹¹⁰ Id.

¹¹¹ Id. at 3, 5.

¹¹² Id. at 5.

¹¹³ Id. at 3.

¹¹⁴ Id. AAA communicated to Matet using sign language by repeatedly poking her index finger to her left palm. Id. at 4. When Matet failed to understand, she gave her cellphone to AAA, who keyed in "nag sex kami ni Ron-ron". Id. On cross-examination, Matet stated that she saved the text that AAA typed in her facebook messages; (Id. at 6) but the cellphone where AAA typed in the message had already been sold shortly after Ron Ron's arrest (Id.).

¹¹⁵ Id. at 4.

¹¹⁶ Id.

¹¹⁷ Id. at 7.

¹¹⁸ Id. at 5.

¹¹⁹ Id. at 6.

¹²⁰ Records, p. 204-205, 207.

trial court admitted this lone exhibit into evidence in an order dated January 16, 2013.¹²¹

Ruling of the RTC

Since Ron Ron admitted having carnal knowledge of AAA, the trial court limited itself to determining the issue of whether or not AAA consented to the act. The trial court found the prosecution's version more credible, especially as regards AAA's testimony, *viz.*:

The Court puts weight and credence to the testimony of the victim as it was unshaken, straightforward, and categorical in all aspects specifically the fact that when she woke up the shorts she was then wearing was already off only to find out consequently that [Ron Ron] had sex with her while she was fast asleep and drunk, ergo unconscious. In open court the complainant vividly recounted how she came to realize that she was raped after she regained consciousness and that her consent was not freely obtained. Also, in keenly observing the demeanor of the complainant while testifying, it was apparent that she displayed an honest deportment with unrehearsed declarations. It follows that "full credence is accorded the testimony of a rape victim who has shown no ill motive to testify against the accused." The crime of rape was committed under the circumstance enumerated in the Anti-Rape Law when the offended party is deprived of reason or is otherwise unconscious when the private complainant testified in this wise during cross-examination:

X X X X

The declaration of the private complainant that she was a victim of rape is confirmed by the testimony of the Medico-Legal Officer and supported by documentary evidence such as the Medico-Legal Report No. R10-1300. Based on the examination reflected in the report, there were significant findings on the genital and extragenital parts of her body. The extragenital injuries were inflicted by the accused in order to ensure the commission of the crime when the victim was fast asleep. Said infliction of said extragenital injuries also proved that the sexual act was forced upon the private complainant who could not exclaim any signs of resistance due to her inability to verbalize her thoughts and feelings.

On the other hand, the defense interposed by the accused, aside from being inherently and highly incredulous, likewise betrays reason and logic vis-a-vis the face of the victim's unwavering testimony and categorical asseveration that she was raped by accused. The alleged consent freely given by [AAA] in the sexual intercourse is negated by the fact that she sustained extragenital injuries in the wrist coupled with the fact that when the victim learned that she was raped, she got angry and reported the incident to the authorities.¹²²

¹²¹ Id. at 209.

¹²² CA *rollo*, pp. 31-32.

In accordance with these findings, the trial court disposed of the case in this manner:

WHEREFORE, premises considered, with the prosecution having proved the guilt of the accused beyond reasonable doubt for the crime of Rape, under Article 266-A of the Revised Penal Code, as amended by Republic Act No. 8353, the accused RON RON S. SAN PEDRO is hereby sentenced to suffer the penalty of Reclusion Perpetua.

Pursuant to the existing jurisprudence, the accused is further ordered to indemnify the private complainant, [AAA], the amount of P50,000.00 as moral damages and P25,000.00 as and by way of exemplary damages.

The Jail Warden of the ████████ City Jail or any Officer of the Law who is in custody of the accused, he being a detained prisoner, is ordered to commit the accused to the Bureau of Corrections, Muntinlupa City.

SO ORDERED.¹²³

The defense filed a notice of appeal,¹²⁴ which was admitted by the trial court.¹²⁵ The parties filed their respective briefs before the CA.¹²⁶

Ruling of the CA

The CA sustained the trial court's findings and conclusions, ruling that AAA's positive, categorical, and straightforward testimony prevails over Ron Ron's defense of denial and alibi which was not supported by clear and convincing evidence. Furthermore, the defense was unable to prove that AAA had ill motive to testify against Ron Ron.¹²⁷ The CA modified the penalty upon finding that the trial court failed to award civil indemnity in favor of AAA and to impose legal interest.¹²⁸

WHEREFORE, premises considered, the Decision of the Regional Trial Court in Criminal Case No. 10-1257 finding herein appellant guilty beyond reasonable doubt of the crime of rape is hereby AFFIRMED with the MODIFICATIONS that: (1) AAA is further awarded the amount of 50,000.00 as civil damages; and (2) appellant is further ordered to pay AAA interest on all damages at the legal rate of 6% per annum from the date of the finality of this judgment.

SO ORDERED.¹²⁹

¹²³ Id. at 33.

¹²⁴ Id. at 34.

¹²⁵ Id. at 35.

¹²⁶ Appellant's Brief, id. at 47-60; Appellee's Brief, id. at 89-106.

¹²⁷ *Rollo*, p. 6.

¹²⁸ Id. at 8.

¹²⁹ Id. 8.

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Hence, the present appeal.¹³⁰ Both parties adopted the briefs they filed before the CA, in lieu of filing supplemental briefs before this Court.¹³¹

The Court's Ruling

Under Article 266-A of the RPC as amended, the crime of rape can be committed either through sexual intercourse¹³² or by sexual assault.¹³³ To prove rape by sexual intercourse, the prosecution must prove the following elements beyond reasonable doubt: (i) that the accused had carnal knowledge of the victim; and (ii) that said act was accomplished (a) through the use of force or intimidation, or (b) when the victim is deprived of reason or otherwise unconscious, or (c) by means of fraudulent machination or grave abuse of authority, or (d) when the victim is under 12 years of age or is demented.¹³⁴

Here, Ron Ron admits having sexual intercourse with AAA; but asserts that the same was consensual and not consummated through force or intimidation. In so doing, the defense essentially argues that it was AAA who lured Ron Ron to her bed. On the contrary, AAA argues that Ron Ron forced himself upon her.

Our jurisprudential guidelines on the evaluation of evidence in rape cases date back 105 years ago to 1916, when this Court held:

The books disclose too many instances of false charges of rape, attempted rape, and kindred offenses to permit the courts to enter a judgment of conviction of a crime of this nature without having in mind the possibility that the complaining witness may have been actuated by some sinister motive in bringing the charge. On the other hand, the only evidence on which convictions of these heinous offenses can be had is frequently the uncorroborated testimony of the injured woman, and when corroboration is available, it is usually limited to the testimony of intimate friends and relations who have been attracted to the scene of the crime by the cries of the victim. It becomes necessary, therefore, for the courts to exercise the most painstaking care in scrutinizing the testimony of the witnesses for the prosecution. These witnesses are usually women who are not always able to give a clear and correct account of the commission of the crime, and not every petty discrepancy or inconsistency in their statements will justify the rejection of their testimony. In such cases the timidity and ignorance of the witnesses must be taken into consideration, or the perpetrators of these heinous offenses will in most instances go unpunished. On the other hand, convictions cannot and should not be sustained when it appears that these witnesses have willfully and

¹³⁰ Notice of Appeal, *id.* at 10-11.

¹³¹ *Id.* at 23-30.

¹³² REVISED PENAL CODE, Article 266-A, paragraph 1.

¹³³ *Id.*, *id.*, paragraph 2.

¹³⁴ *People v. Tamano*, G.R. No. 227866, July 8, 2020, citing *People v. Esteban*, 735 Phil. 663, 669-670 (2014).

knowingly testified falsely as to any matter developed at the trial; or where they are in direct conflict as to any of the circumstances to which they testify, when the conflict arises in regard to a matter about which there could not well be a mistake, despite the timidity or ignorance of the witnesses, unless one or other of the witnesses was knowingly and willfully testifying falsely. And these grounds for declining to accept the evidence for the prosecution become much stronger when the story told by the complaining witness is inherently improbable x x x. In such cases the courts are justified in looking with suspicion on the testimony of the witnesses for the prosecution; and unless their testimony rings true at every point, and is clear, definite and convincing throughout, it should be rejected.

The mere apparent improbability that the alleged crime could have been committed in the manner and form described by the witnesses for the prosecution does not necessarily justify an acquittal if the evidence submitted by the prosecution is otherwise clear, satisfactory and convincing, unless the degree of improbability is such as to amount to a practical impossibility — but in the absence of clear, satisfactory and convincing testimony in support of the charge, a judgment of conviction will not be sustained in the face of the apparent improbability that the crime could have been committed as charged. Any reasonable ground for suspecting the good faith of the witnesses for the prosecution or their desire to tell the truth, the whole truth, and nothing but the truth, will be sufficient in such cases to justify and require an acquittal.¹³⁵

Over time, this disquisition has been distilled into three main principles which have been repeatedly stated as follows:

(1) an accusation for rape can be made with facility; it is difficult to prove but more difficult for the person accused, though innocent, to disprove; (2) in view of the nature of the crime of rape where only two persons are usually involved, the testimony of the complainant is scrutinized with extreme caution; and, (3) the evidence for the prosecution stands or falls on its own merits and cannot be allowed to draw strength from the weakness of the defense.¹³⁶

As regards consent to sexual intercourse, Justice Marvic M.V.F. Leonen's dissent in the recent case of *Bangayan v. People* offers the following guiding principles:

Rape, including other forms of sexual abuse, should no longer be viewed as a crime against chastity, which focuses on the dishonor to the victim's father or family. Rape and sexual abuse is a strike against the person of the victim. It is a violation of one's autonomy, a "violation of free will, or the freely made choice to engage in sexual intimacy."

¹³⁵ *United States v. Ramos*, 35 Phil. 671, 677-678 (1916).

¹³⁶ *People v. Galuga*, G.R. No. 221428, February 13, 2019, citing *People v. Ramos*, 743 Phil. 344, 355-356 (2014); *People v. Cruz*, 612 Phil. 726 (2009); *People v. Ruales*, 457 Phil. 160 (2003); *People v. Abrecinoz*, 346 Phil. 37 (1997).

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To reiterate, sexual intercourse is a complex act which is not only physical or sensual. Beyond that, it comes with the complexity of intimacy, relationship, and reproductive consequences.

Sexual intimacy may be primarily done for procreation or solely for pleasure. How sexuality and intimacy is expressed, what constitutes sex, and with whom to be intimate with is a person's choice.

Therefore, **consent to sex does not only cover the physical act. Sex does not only involve the body, but it necessarily involves the mind as well. It embraces the moral and psychological dispositions of the persons engaged in the act, along with the socio-cultural expectation and baggage that comes with the act. For instance, there are observed differences in sexual expectations and behaviors among different genders, and more so, among individuals. The wide range of sexual desire and behavior are not only shaped by biology, but by culture and prevailing norms as well. Full and genuine consent to sex, therefore, is "preceded by a number of conditions which must exist in order for act of consent to be performed."**

Part and parcel of a valid consent is the ability to have the intellectual resources and capacity to make a choice that reflects his or her judgments and values. For someone to give sexual consent, he or she must have reached a certain level of maturity.¹³⁷

Pivotal to the resolution of this case is the ability of AAA to give *and* to communicate her consent to the sexual act. Given the specific personal circumstances of AAA, who communicates primarily through hand gestures and electronic text input/output devices, this Court, guided by the foregoing jurisprudential precepts, has painstakingly reviewed the record to determine if AAA had consented to having sexual intercourse with Ron Ron. This Court concludes that the prosecution was unable to establish Ron Ron's guilt beyond reasonable doubt. Despite AAA's categorical testimony of the incident and the medico-legal results showing injuries on her hands, there are several material circumstances on record which create reasonable suspicion as to the non-consensuality of the sexual encounter in question.

First, after AAA first reported the incident to the police, she decided not to press charges against Ron Ron, because she thought that the entire incident was a mere "misunderstanding." This is reflected in the police blotter entry for the incident, which states:

This pertains to the complaint of one [AAA], 19 y/o. single, jobless a resident of [REDACTED] for alleged rape, wherein suspect is Ron Ron San Pedro y Servano, 19 y/o, married, jobless of [REDACTED], was brought to this office by [REDACTED].

¹³⁷ Dissenting opinion of Leonen, J. in *Bangayan v. People*, G.R. No. 235610, September 16, 2020. Citations omitted.

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Bantay Bayan Antonio Baliclic and Rogelio Cortez, both of [REDACTED], Bantay Bayan to shed light [on] the above allegation or [complaint].

At this office after a brief confrontation, suspect and complainant agreed to settle [their] differences/misunderstanding and [illegible] hereto affixed their signatures as proof of settlement.

(Signed)

[AAA]

(Signed)

[RON-RON SAN PEDRO]¹³⁸

AAA admitted that she was assisted by the police in signing the blotter entry:

12. Q: After that, what happened?
A: Ron Ron immediately left our house while I ran to the police station and through hand gestures I told them I was raped by Ron Ron,
13. Q: What did the police do?
A: They went to the house of Ron Ron which I pointed to them and arrested Ron Ron.
14. Q: After that, what happened next?
A: They talked to me to settle the complaint and asked me to sign the police blotter.
15. Q: When you signed the police blotter, who assisted you?
A: The police, ma'am.
16. Q: [W]hat happened to Ron Ron after that?
A. He was released by the police.¹³⁹

[Atty. Guzman:] [A]t the police station, who did you speak with?
[AAA:] I cannot recall the name.

[Atty. Guzman:] [B]ut at the police station Ron Ron [was] in, is that correct?
[AAA:] [Y]es, ma'am.
[Atty. Guzman:] [A]nd at the police station, you were able to talk?
[AAA:] [Y]es, ma'am.

[Atty. Guzman:] [I]n that confrontation, you both agreed that what happened was a mere mis-understanding?
[AAA:] [W]hen we were at the police station, I was with my mother.

[Atty. Guzman:] I am showing to you a police blotter dated July 7, 2010. Can you please look at the same. There is a signature on top the name [AAA], is that your signature?
[AAA:] [Y]es, ma'am.

¹³⁸ AAA's purported signature is partially superimposed on Ron Ron's signature. Records, p. 205.

¹³⁹ Judicial Affidavit of AAA, id. at 50.

[Atty. Guzman:] [A]nd when you sign the same, you were assisted by the police, is that correct?
[AAA:] [Y]es, ma'am.¹⁴⁰

It must be remembered that AAA was already 19 years old at the time of the incident. Despite her inability to hear or speak, her mental or intellectual capacities were never assailed by the prosecution. Apart from the knife incident, the prosecution was unable to prove that AAA signed the blotter entry under force or duress.

Second, AAA categorically admitted that after she signed the police blotter and went home, her mother BBB learned of the incident and demanded that they file a complaint against Ron Ron:

15. Q: When you signed the police blotter, who assisted you?
A: The police, ma'am.
16. Q: [W]hat happened to Ron Ron after that?
A. He was released by the police.
17. Q: What happened after that?
A: My mother learned about the incident and went to the police station to inform the police that they cannot just withdraw the complaint against Ron Ron without her consent because [AAA] is a deaf-mute.
18. Q: What happened next?
A: The police re-arrested Ron Ron. I was referred to the Women's Desk and I was asked to prepare and sign a sinumpaang salaysay I was also brought to the PNP Crime laboratory for medico-legal examination.¹⁴¹

This is corroborated by BBB's own testimony, thus:

[PROS. BRUAL:] Could you recall where were you on July 7, 2010, at around 12 noon?

[BBB:] We were at the police station, ma'am.

[PROS. BRUAL:] You said "we", who were with you?

[BBB:] The driver.

[PROS. BRUAL:] Why were you there at the police station?

[BBB:] Because someone called me up and informed me that [AAA] was raped.

¹⁴⁰ TSN, February 7, 2012, pp. 18-20.

¹⁴¹ Judicial Affidavit of AAA, records, pp. 50-51.

[PROS. BRUAL:] Who were with you at the police station at that time?

[BBB:] I and the driver.

[PROS. BRUAL:] Where was [AAA] at that time, if you know?

[BBB:] She was at the house.

[PROS. BRUAL:] So what did you do in the police station?

[BBB:] I inquired where the accused was and they informed me that he was released.

[PROS. BRUAL:] And what happened next?

[BBB:] I asked them why they released the accused when the victim my daughter [AAA], does not understand anything, they should have waited for me because I am the mother of the victim [AAA].

[PROS. BRUAL:] What was the reply of the police officer?

[BBB:] They asked me if I am going to file a complaint, then I said yes that I am going to file a complaint because my daughter is a deaf-mute. Then they instructed me to bring my daughter [AAA] in the police station.

[PROS. BRUAL:] What did you do after that, if any?

[BBB:] After that, I went home and brought [AAA] with me in the police station.

[PROS. BRUAL:] By the way, when you arrived home, who was there in your house, if any?

[BBB:] [AAA] only.

[PROS. BRUAL:] What was she doing?

[BBB:] She was sleeping.

[PROS. BRUAL:] After that, what did you do?

[BBB:] I wake her up and asked her if she was really raped by Ron Ron.

[PROS. BRUAL:] What did she say, if any?

[BBB:] She answered me, yes' and in fact she already went to the barangay and police station to complain.

[PROS. BRUAL:] So, what happened next, if any?

[BBB:] We filed a complaint before the [REDACTED] Police Station.¹⁴²

Given the foregoing testimonies on record; and as correctly pointed out by Justice Alfredo Benjamin S. Caguioa (Justice Caguioa) during the deliberations of this case, it is clear that AAA decided not to press charges in relation to the incident in question because it was a mere "misunderstanding" between her and Ron Ron. It was only due to the insistence of her mother BBB, who did not witness the incident, that AAA return to the police station to re-file her complaint.

¹⁴² TSN, June 5, 2012, pp. 8-9.

Third, as again pointed out by Justice Caguioa, Matet's testimony fills in the details missed by AAA about the confrontation at Matet's house. Their testimonies, when read together, casts doubt about the non-consensuality of the immediately preceding sexual encounter between Ron Ron and AAA. From their combined testimonies, it becomes clear that: 1) after the sexual encounter, AAA followed Ron Ron to Matet's house; 2) AAA and Ron Ron had an altercation outside the house involving a knife; 3) Matet sensed the commotion, went outside to look, and saw Ron Ron and AAA; 4) when Matet asked about what happened, AAA communicated through Matet's cellphone her admission that she had sexual intercourse with Ron Ron;¹⁴³ 5) Ron Ron explained the incident to Matet and asked for forgiveness; and 6) while Ron Ron and Matet were talking, AAA left and went to the barangay on her own.

It must be noted that Matet was not only Ron Ron's live-in partner but also AAA's best friend from childhood. Matet's close emotional ties with both the accused and the complainant, coupled with the fact that her testimony – which was presented in Ron Ron's defense – dovetails perfectly with that of AAA, give her statements great weight and credibility.

Fourth, Matet's version of the altercation involving the knife is corroborated by the medico-legal findings. To recall, Ron Ron claimed that he gave the knife to AAA and dared her, "*saksakin mo na lang ako [Ron Ron] kung hindi mo [AAA] gusto yung nangyari*"; while AAA claimed that Ron Ron pointed the knife at her. Meanwhile, Matet categorically testified that when she went outside to see the cause of the commotion outside their house, she "*saw [Ron Ron] holding [AAA's] hands with a knife pointed at [Ron Ron's] neck*".¹⁴⁴ This ties in with the medico-legal findings, which show that AAA sustained the following injuries on her hands: swelling, dorsal aspect of the right hand, measuring 4.5 x 3.5 cm, 2 cm from the anterior midline; swelling, dorsal aspect of the left hand, measuring 5 x 3 cm, 3 cm from the anterior midline; abrasion, 2nd digit of the left hand, measuring 1.5 x 0.5 cm; and contusion, left wrist, measuring 2 x 1 cm, along the anterior midline.¹⁴⁵ When asked about the possible cause of these injuries, Dr. Cordero testified as follows:

[Atty. Guzman:] You said that you found swelling on the dorsal aspect of the right hand, Exhibit "J-1", would you say that they are the same injuries, in the right and the left?

[Dr. Cordero:] Yes, ma'am, the swelling in here is the same in here, except to this one, this is abrasion.
(the witness is pointing to Exhibit "J-1")

¹⁴³ TSN, September 19, 2012, p. 3.

¹⁴⁴ Id.

¹⁴⁵ Medico-Legal Report, records, p. 40.

[Atty. Guzman:] Can you please show us. Where is it exactly?

[Dr. Cordero:] For the right hand, again it is located at the right hand back portion of the right hand. And on the other side the swollen area, back portion, on this side.

(The witness describes his answer by pointing to the medial portion of the hand.)

[Atty. Guzman:] You said earlier that kind of injuries would be sustained through a blunt force?

[Dr. Cordero:] Yes, ma'am.

x x x x

[Atty. Guzman:] What about the abrasion, on the second digit of the left hand. I'm referring to Exhibit "J-1-C", could you determine was it a fresh wound?

[Dr. Cordero:] They are all fresh wound.

[Atty. Guzman:] How could this be sustained?

[Dr. Cordero:] **Particularly if it is an abrasion, it is caused by a pointed object.**

x x x x

[Atty. Guzman:] Contusion on the left wrist, I'm referring to Exhibit "J-1-A". Can you describe this.

[Dr. Cordero:] Again ma'am, it is located on the left wrist anterior or front portion of the left wrist and again it is a fresh injury.

[Atty. Guzman:] How could this be sustained?

[Dr. Cordero:] Again, by a **blunt force or pressure** applied on that area.¹⁴⁶

Read together, Matet's testimony and the medico-legal findings indicate that the altercation between Ron Ron and AAA did involve a pointed object, which both AAA and Ron Ron claimed to be a knife. At some point in that altercation,¹⁴⁷ AAA held the knife to Ron Ron, who then restrained the former's hands while she was holding said knife. The force and pressure from Ron Ron's restraint could have been the source of the contusions found at the back of AAA's hands. In the course of this apparent struggle for control of the knife, its blade grazed AAA's index finger, causing the abrasion wound. Given the conflicting accounts provided by Ron Ron and AAA as to who was holding the knife and why Ron Ron produced it in the first place, only they truly know what transpired in that altercation. The Court thus cannot speculate on the precise chain of events that led to the aforementioned struggle.

¹⁴⁶ TSN, April 26, 2011, pp. 10-11. Emphasis and underlining supplied.

¹⁴⁷ In her testimony, Matet described the altercation as "some banging outside our house". TSN, September 19, 2012, p. 3.

Finally, Matet categorically testified that almost a year after the incident, AAA apologized for “*what she had done to Ron-ron,*”¹⁴⁸ thus:

[Atty. Guzman:] [A]fter this case was filed, were you able to talk to [AAA] again?

[Matet:] [Y]es, ma’am.

[Atty. Guzman:] [W]hat did you talk about?

[Matet:] [S]he was asking for my forgiveness and she told that she cannot sleep because of what she has done to Ron-ron.

[Atty. Guzman:] [H]ow did you talk to [AAA]?

[Matet:] [T]hru chat.

x x x x

[Pros. Brual:] [W]hen you said that you talked to [AAA] after she filed a complaint against your husband and she said she’s sorry of [*sic*] what she did, did it not occur to you that your husband did not even say sorry to you also regarding of what she [*sic*] did to [AAA]?

[Matet:] [A]t that time [of the incident] my husband also asked for my forgiveness and also [AAA].

x x x x

[Pros. Brual:] [W]hat is that facebook account that you said you have saved where in fact you said it was in the celfone?

[Matet:] [L]ast year in my facebook account we had a conversation regarding the case of my husband.

[Pros. Brual:] [A]nd you are sure of that, that she conveyed to you a personal message in your facebook account?

[Matet:] [Y]es, ma’am.

[Pros. Brual:] [A]re you willing to show to us your facebook account if ever we wanted to check that she indeed sent a message to your facebook account that she was having sex to your husband?

[Matet:] [Y]es, ma’am.

[Pros. Brual:] [S]ince you are willing, can you tell the Honorable Court your facebook account and password?

[Matet:] [Y]es, ma’am.¹⁴⁹

While the defense was ultimately unable to produce the actual messages sent by AAA, Matet’s testimony regarding AAA’s subsequent apology was never rebutted by the prosecution.

¹⁴⁸ Id. at 4.

¹⁴⁹ Id. at 4-6.

The foregoing circumstances taken together, which are all borne out by the case records, engender reasonable doubt as to whether the sexual encounter between Ron Ron and AAA was non-consensual. Such issue is an inherently intimate and personal matter which cannot be presumed or speculated upon by courts of law. In another case involving a sexual encounter between two teenagers, this Court concluded by saying:

Possibilities on what actually transpired from the evening of May 26, 2003 to May 28, 2003 abound, and the Court is distressed to state that it is not set to contribute to or to exclude any angle; only AAA and Cruz could supply the missing links in their respective narrations on this confounding chapter in their young lives.

If indeed Cruz is guilty, let the Ultimate Judge make that righteous judgment. Courts of men, hardly infallible, can only rely upon the evidence before them. Verily, it may be necessary to reiterate the basic rule that requires a party to prove his affirmative allegations even as it underscores the delicate and pivotal role of the prosecution, particularly during the direct and cross-examination, on the imperativeness of probing questions in order to elicit fine points from witnesses that pertain to no less than the vital elements of the crime.¹⁵⁰

Our law requires proof beyond reasonable doubt to sustain a conviction for any crime, more so for the grave personal violation that is rape. The prosecution evidence must transcend all reasonable doubt in the guilt of the accused. In *People v. Reyes*, this Court held:


The state policy on the heinous offense of rape is clear and unmistakable. Life is made forfeit under certain circumstances. At first blush, the harshness of the penalty may give cause for concern, considering that by the very nature of its commission, it is both sordid and joyless, the pleasure derived, if any, being minimal. To be thereafter sentenced to a long period of confinement, perhaps for the rest of one's life, even to suffer death, may appear excessive. Nonetheless, there is sound reason for such severity. It is an intrusion into the right of privacy, an assault on human dignity. No legal system worthy of the name can afford to ignore the traumatic consequences for the unfortunate victim and grievous injury to the peace and good order of the community. As was so aptly stated by Dean Pound: "Civilization involves subjection of force to reason, and the agency of this subjection is law." Nonetheless, the seriousness with which the state rightfully views the matter with the corresponding imposition of the punishment that fits the crime calls for extreme care on the part of the judiciary to avoid an injustice on an accused. For it is equally true that this is an offense to which, as is often the case, only two people can testify, thus requiring the most conscientious effort on the part of the arbiter to weigh and appraise the conflicting testimony. If a reasonable doubt exists the verdict must be one of acquittal.¹⁵¹

¹⁵⁰ *People v. Cruz*, 736 Phil. 564, 580-581 (2014).

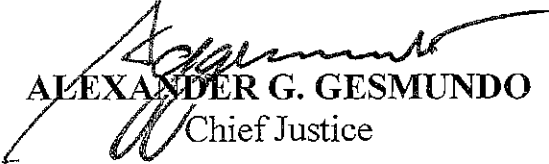
¹⁵¹ *People v. Reyes*, 158 Phil. 342, 344-345 (1974). Citations omitted.

WHEREFORE, the present appeal is **GRANTED**. The November 11, 2014 Decision of the Court of Appeals in CA-G.R. CR HC No. 06052 affirming with modification the February 13, 2013 Decision of the Regional Trial Court of ██████ City, Branch 133 in Criminal Case No. 10-1257, is **REVERSED** and **SET ASIDE**. Accused-appellant Ron Ron San Pedro y Servano is **ACQUITTED** for failure of the prosecution to prove his guilt beyond reasonable doubt. His immediate **RELEASE** from detention is hereby **ORDERED**, unless he is being held for another lawful cause.

SO ORDERED.


SAMUEL H. GAERLAN
Associate Justice

WE CONCUR:


ALEXANDER G. GESMUNDO
Chief Justice

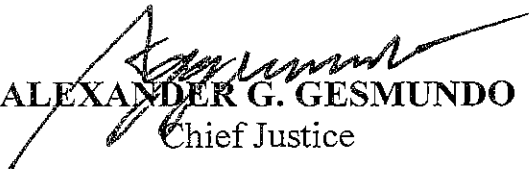

ALFREDO BENJAMIN S. CAGUIOA
Associate Justice


ROMAR D. CARANDANG
Associate Justice


RODIL V. ZALAMEDA
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.


ALEXANDER G. GESMUNDO
Chief Justice