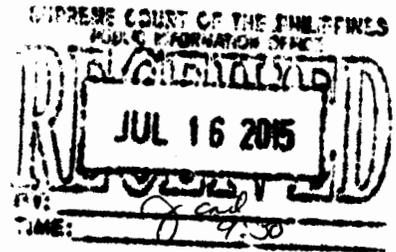




Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

NOTICE



Sirs/Mesdames:

*Please take notice that the Court, Third Division, issued a Resolution dated **June 29, 2015**, which reads as follows:*

“**G.R. No. 210797 (People of the Philippines vs. Baldomero Cortez Maglente)**. – On appeal is the July 26, 2013 Decision¹ of the Court of Appeals (CA) in CA-G.R. CR-H.C. No. 03948 which affirmed with modification the Joint Decision² dated May 14, 2009 of the Regional Trial Court (RTC) of Mauban, Quezon, Branch 64, in Criminal Case Nos. 2539-M and 2540-M finding appellant Baldomero Cortez Maglente guilty of two counts of rape.

Two separate Informations³ for rape were filed against appellant (then accused) before the RTC, to wit:

Criminal Case No. 2539-M:

That on or about the 23rd day of November, 2001, at Sitio [XXX], Barangay [XXX], Municipality of Mauban, Province of Quezon, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with lewd design, armed with a bolo, by means of force, threats and intimidation, did then and there willfully, unlawfully and feloniously have carnal knowledge of one [AAA⁴], a minor, 14 years of age, against her will.

CONTRARY TO LAW

Criminal Case No. 2540-M:

That on or about the 24th day of November 2001, at Sitio [XXX], Barangay [XXX], Municipality of Mauban, Province of Quezon, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with lewd design, armed with a bolo, by means of force, threats and intimidation, did then and there willfully, unlawfully and feloniously have carnal knowledge of one [AAA], a minor, 14 years of age, against her will.

¹ Rollo, pp. 2-26. Penned by Associate Justice Amy C. Lazaro-Javier with Associate Justices Mariflor P. Punzalan Castillo and Zenaida T. Galapate-Laguilles concurring.

² CA rollo, pp. 19-25. Penned by Judge Rodolfo D. Obnamia, Jr.

³ Id. at 17, 19.

⁴ The victim's real name and other personal circumstances are withheld pursuant to the Court's ruling in *People v. Cabalquinto*, 533 Phil. 703, 709 (2006).

CONTRARY TO LAW

The evidence for the prosecution showed that at around 9:00 a.m. on November 23, 2001, AAA was with her father and appellant to gather wood in a mountain situated at Sitio XXX, Barangay XXX, Mauban, Quezon. Suddenly, AAA heard a gunshot and she saw her father fall down. Brothers Melchor Alvarez and Pio Alvarez then appeared and Melchor shot her father again. Thereafter, Melchor, Pio, Reagan Alvarez and Noni Monteroyo blindfolded AAA, brought her and appellant to the mountain, and left her wounded father behind.

Come night time, appellant raped AAA at the makeshift hut where the four captors brought them. Appellant poked a bolo on AAA's right side, forcibly removed her pants, placed himself on top of her and inserted his penis into her vagina. As a result of AAA's struggle, she suffered contusions on her back and bore scars on her side from the bolo which appellant kept pointed thereat while raping her. AAA did not tell her four captors about the rape for fear of appellant's threat to kill her. She also suspected that her four captors were companions of appellant for they merely posted themselves at the lower part of the mountain while appellant raped her.

The next day or on November 24, 2001, appellant raped AAA again. AAA fought appellant's attempt to remove her pants but appellant prevailed, placed himself on top of her and inserted his penis into her vagina. Appellant raped her four times that day. After the rapes, her four captors allowed AAA and appellant to leave the forest. Appellant brought AAA to his brother's house at Papatahan, Paete, Laguna, where he introduced her as his wife. AAA could not deny appellant's claim for he threatened to kill her. Appellant and AAA stayed there for three days and he raped her again. Upon their return to Mauban, Quezon, AAA and her mother, accompanied by appellant, reported to the police the killing of AAA's father and during the investigation, AAA revealed that appellant raped her.

For his defense, appellant denied the rape charges. He claimed that he also heard a gunshot and saw AAA's father fall to the ground. He also claimed that the four armed men mauled him. The men blindfolded AAA and brought them to the forest. He was also blindfolded and tied to a tree for three nights, with his blindfold removed only when he ate. He and AAA were then brought to another part of the forest during which time he was still tied and blindfolded. He said that he only saw AAA during the time they were allowed to eat.

On the fourth day of their captivity, he was able to escape at 5:00 a.m. after the rope which tied his hands were loosened and cut by his constant rubbing against a stone. He noticed that AAA followed him. They walked for 13 hours until they reached Paete, Laguna, at around 6:00 p.m., and they went to the police authorities to report the incident. After five days, he and AAA went back to Mauban, Quezon, where they filed a complaint anent the shooting

of AAA's father. Then AAA told him to accept his "*parusa*" for not helping her father when he was shot which is the filing of rape charges against him.

Maria Baldrez, a defense witness and chairperson of Barangay Nueve, Paete, Laguna, testified that in the evening of November 26, 2001, appellant's brother accompanied appellant and AAA to her house and requested her to allow appellant and AAA to sleep over. Appellant and AAA stayed for five days but slept separately. Thereafter, appellant told her that they would be leaving already for Mauban, Quezon.

In its Joint Decision, the RTC convicted appellant of two counts of rape, sentenced him to suffer the penalty of *reclusion perpetua* and ordered him to pay AAA the sum of ₱50,000 as moral damages, ₱50,000 as civil indemnity, and ₱50,000 as exemplary damages.⁵ The RTC said that it had the opportunity to observe the demeanor of AAA when she testified. The RTC found her testimony to be candid and straightforward and noted that she pointed to appellant as her rapist.⁶

As aforesaid, the CA affirmed with modification the Joint Decision of the RTC in that the awards of civil indemnity and moral damages were both increased to ₱75,000 for each count of rape, while the award of exemplary damages was reduced to ₱30,000 for each count of rape. The CA found AAA's testimony to be candid, credible and trustworthy.⁷ The CA noted that AAA's testimony is replete with details of appellant's bestial acts which a girl of tender age could not have concocted.⁸ The CA held, however, that appellant can only be convicted of one count of rape even if AAA testified that she was raped four times on November 24, 2001 because the Information in Criminal Case No. 2540-M charged appellant of one count of rape only.⁹ The *fallo* of the appealed CA Decision reads:

ACCORDINGLY, the appeal is **DENIED** and the Joint Decision dated May 14, 2009, **AFFIRMED** with **MODIFICATION**, viz:

1. increasing the award of civil indemnity to P75,000.00 for each count of rape;
2. awarding moral damages of P75,000.00 to AAA for each count of rape;
3. awarding exemplary damages of P30,000.00 to AAA for each count of rape.

SO ORDERED.¹⁰

Hence, this appeal.

⁵ CA *rollo*, p. 25.

⁶ Id. at 24.

⁷ *Rollo*, p. 13.

⁸ Id. at 21.

⁹ Id. at 23.

¹⁰ Id. at 25.

June 29, 2015

We dismiss the appeal for lack of merit. It has been consistently held that in criminal cases the evaluation of the credibility of witnesses is addressed to the sound discretion of the trial judge, whose conclusion thereon deserves much weight and respect because the judge had the direct opportunity to observe said witnesses on the stand and ascertain if they were telling the truth or not.¹¹ In this case, the RTC gave credence to the candid and straightforward testimony of AAA and noted her demeanor when she testified and pointed to appellant as her rapist. The CA also found AAA's testimony to be candid, credible and trustworthy. The determination by the trial court of the credibility of witnesses, when affirmed by the appellate court, as in this case, is accorded full weight and credit as well as great respect, if not conclusive effect.¹² We likewise read AAA's testimony¹³ and we find no reason to disagree with the RTC and CA in finding AAA as a credible witness. She clearly testified that appellant threatened her with a bolo and raped her. On the witness stand, she positively identified appellant as the perpetrator. Thus, absent any showing that the lower court overlooked, misunderstood or misappreciated substantial facts and circumstances, which if considered would change the result of the case, this Court gives deference to the trial court's appreciation of the facts and of the credibility of witnesses.¹⁴

We also agree with the CA when it increased the awards of civil indemnity and moral damages to ₱75,000 for each count of rape and reduced the award of exemplary damages to ₱30,000.¹⁵ All the monetary awards shall earn 6% interest per annum from the date of finality of this Resolution until fully paid.

WHEREFORE, we **DISMISS** the appeal and **AFFIRM with MODIFICATION** the July 26, 2013 Decision of the Court of Appeals in CA-G.R. CR-H.C. No. 03948 in that the monetary awards shall earn 6% interest per annum from finality of this Resolution until fully paid. Costs against appellant. (**Jardeleza, J.**, no part, due to his prior action as Solicitor General; **Perez, J.**, designated Acting Member per Raffle dated October 20, 2014; **Reyes, J.**, on leave; **Del Castillo, J.**, designated Acting Member per Special Order No. 2084-A dated June 29, 2015.)

SO ORDERED."

Very truly yours,


WILFREDO V. LAPITAN
Division Clerk of Court
7/6/15

¹¹ *People v. Obina*, 632 Phil. 288, 293 (2010.)

¹² *People v. Sabaclab*, G.R. No. 186392, January 18, 2012, 663 SCRA 426, 440-441.

¹³ CA rollo, pp. 13-17.

¹⁴ *People v. Obina*, *supra* note 11, at 293.

¹⁵ *People of the Philippines v. Oscar Santos y Encinas*, G.R. No. 205308, February 11, 2015, p. 9.

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(Crim. Case Nos. 2539 & 2540-M)

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