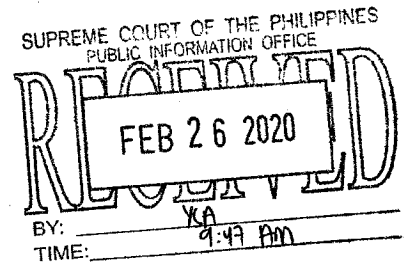




REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE



Sirs/Mesdames:

Please take notice that the Court, Second Division, issued a Resolution dated **29 January 2020** which reads as follows:

“G.R. No. 236837 (*People of the Philippines v. Warlito Villa Caipang*). – After a thorough review of the records, the Court finds this appeal¹ wanting in merit. Accordingly, the Court rules that the Court of Appeals (CA) in its Decision² dated October 25, 2017 in CA-G.R. CR-HC No. 01519-MIN properly affirmed with modifications the Decision³ dated February 5, 2016 of Branch 20, Regional Trial Court (RTC), Pagadian City in Criminal Case No. 7252-2K4.

The Court sustains the finding of the lower courts that Warlito Villa Caipang (accused-appellant) is guilty of Simple Rape, considering that it was established that he had carnal knowledge of AAA,⁴ without her consent; and that the complained act was accomplished through the use of force or intimidation against the victim. AAA testified on her ordeal in a straightforward manner. As such, her categorical testimony and positive identification of accused-appellant proved that the latter had sexual intercourse with AAA against her will and without her consent.

¹ *Rollo*, p. 10.

² *Id.* at 3-9; penned by Associate Justice Ruben Reynaldo G. Roxas with Associate Justices Romulo V. Borja and Oscar V. Badelles, concurring.

³ *CA rollo*, pp. 39-42; penned by Presiding Judge Dennis P. Vicoy.

⁴ 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 RA 7610, entitled “An Act Providing for Stronger Deterrence and Special Protection Against Child Abuse, Exploitation And Discrimination, Providing Penalties for its Violation and for Other Purposes,” approved on June 17, 1992; RA 9262, entitled “An Act Defining Violence Against Women and Their Children, Providing For Protective Measures For Victims, Prescribing Penalties Therefore, 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 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.)

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Additionally, AAA's credibility is bolstered by her immediate reporting of the incident to the authorities. This proves that she did not have the luxury of time to concoct a rape story against accused-appellant.⁵

The Court agrees with the CA that the medico-legal report⁶ on AAA noting "a normal nulliparous vaginal smear and absence of spermatozoa"⁷ in her vagina, has no weight on the issue of whether accused-appellant raped her. In rape cases, the victim's medical examination or medical certificate is *not* an element to prove the commission of the crime. Meanwhile, the testimony of the victim on its own, if credible, as in the case at bench, is sufficient to convict the accused for the offense charged.⁸

Given the foregoing, the Court finds no cogent reason to disturb the uniform finding of the RTC and the CA that accused-appellant is guilty as charged. Indeed, the Court must uphold the factual findings of the trial court in the absence of any showing that in assessing the witnesses' credibility, in relation to their testimonies, it had overlooked or misconstrued any relevant fact that would alter the result of the case.⁹

Lastly, the CA properly imposed upon accused-appellant the penalty of *reclusion perpetua* for having found guilty of Simple Rape. Moreover, in view of prevailing jurisprudence, it correctly ordered him to pay AAA ₱75,000.00 as civil indemnity, ₱75,000.00 as moral damages, and ₱75,000.00 as exemplary damages. All the monetary awards shall earn interest at the rate of 6% *per annum* from the date of finality of this Resolution until paid in full.¹⁰

WHEREFORE, the appeal is **DISMISSED**. The Court **ADOPTS** the factual findings and conclusions of law of the Regional Trial Court as affirmed by the Court of Appeals. The assailed Decision dated October 25, 2017 of the Court of Appeals in CA-G.R. CR-HC No. 01519-MIN is **AFFIRMED** *in toto*.

⁵ *People v. Gunsay*, G.R. No. 223678, July 5, 2017, 830 SCRA 409, 415.

⁶ Records, p. 2.

⁷ *Rollo*, p. 6.

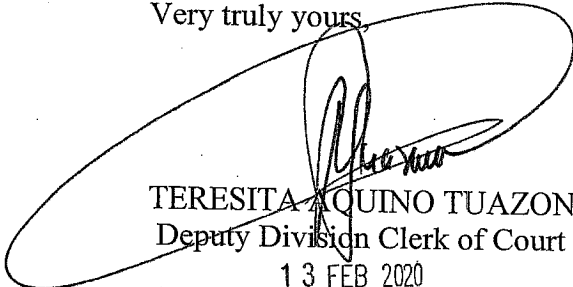
⁸ See *People v. Belen*, G.R. No. 215331, January 23, 2017, 815 SCRA 201, 218, citing *People v. Ferrer*, 415 Phil. 188, 199 (2001).

⁹ *People v. Gomez*, G.R. No. 220892, February 21, 2018, 856 SCRA 341, 348, citing *People v. Gabriel*, G.R. No. 213390, March 15, 2017, 820 SCRA 524, 539.

¹⁰ See *People v. Gabriel*, G.R. No. 213390, March 15, 2017, 820 SCRA 524, 539.

**SO ORDERED.” (REYES, A., Jr., J., on official leave and
HERNANDO, J., on official leave.)**

Very truly yours



TERESITA AQUINO TUAZON
Deputy Division Clerk of Court
13 FEB 2020

OFFICE OF THE SOLICITOR GENERAL (reg)
134 Amorsolo Street
1229 Legaspi Village
Makati City

PUBLIC ATTORNEY’S OFFICE (reg)
Regional Special and Appealed Cases Unit
Mindanao Station
BJS Building
Tiano Brothers corner San Agustin Sts.
Carmen, 9000 Cagayan de Oro City

MR. WARLITO VILLA CAIPANG (reg)
Accused-Appellant
c/o The Superintendent
San Ramon Penal and Farm Colony
7000 Zamboanga City

HON. PRESIDING JUDGE (reg)
Regional Trial Court, Branch 20
7016 Pagadian City
(Crim. Case No. 7252-2K4)

JUDGMENT DIVISION (x)
Supreme Court, Manila

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CA-G.R. CR HC No. 01519-MIN

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