



Republic of the Philippines  
 Supreme Court  
 Manila

SECOND DIVISION

PEOPLE OF THE PHILIPPINES,  
*Plaintiff-Appellee,*

G.R. No. 206878

- versus -

Present:

CARPIO, *Chairperson*  
 BRION,\*  
 DEL CASTILLO,  
 MENDOZA, *and*  
 LEONEN, *JJ.*

MARCELINO CAGA y FABRE,  
*Accused-Appellant.*

Promulgated:  
 22 AUG 2016

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DECISION

DEL CASTILLO, *J.:*

This is an appeal from the February 14, 2012 Decision<sup>1</sup> of the Court of Appeals (CA) in CA-GR. CR-H.C. No. 04248. The CA Decision affirmed the November 13, 2009 Decision<sup>2</sup> of the Regional Trial Court (RTC) of Manila, Branch 26 in Criminal Case No. 06-246762, finding the appellant Marcelino Caga y Fabre (Caga) guilty beyond reasonable doubt of the crime of rape and sentencing him to suffer the penalty of *reclusion perpetua*.

*Factual Antecedents*

Caga was charged with the crime of rape for having carnal knowledge of "AAA"<sup>3</sup> after having a drinking spree with her and her boyfriend, *viz.:*

That on or about September 17, 2006, in the City of Manila, Philippines, the said accused, with lewd design, and by means of force, violence and

\* *On leave.*

<sup>1</sup> CA *rollo*, pp. 101-111; penned by Associate Justice Noel G. Tijam and concurred in by Associate Justices Romeo F. Barza and Edwin D. Sorongon.

<sup>2</sup> Records, pp. 190-195; penned by Presiding Judge Silvino T. Pampilo, Jr.

<sup>3</sup> Pursuant to Republic Act No. 9262, otherwise known as the "Anti-Violence Against Women and Their Children Act of 2004" and its implementing rules, the real name of the victim, as well as that of her/his immediate family members, is withheld and [instead] fictitious initials x x x are used to represent her/him, both to protect their privacy. (*People v. Cabalquinto*, 533 Phil. 703 [2006]).

intimidation, commit sexual assault upon "AAA", by then and there, while sleeping, placing himself on top of her ("*pumatong*") and inserting his penis into the vagina of said complainant, did then and there willfully, unlawfully and feloniously succeed in having carnal knowledge with the said "AAA," against her will and consent.

Contrary to law.<sup>4</sup>

Arraigned thereon, Caga, assisted by counsel, entered a negative plea. After pre-trial conference, trial on the merits followed.

### ***Version of the Prosecution***

The prosecution presented the following witnesses: the rape victim herself, "AAA," *Barangay Kagawad* Cresencio Aquino (Aquino), and the Women's Desk Officer, SPO1 Josette Saturnino (SPO1 Saturnino). Their collective testimonies tended to establish the following facts:

On September 17, 2006, "AAA" and her boyfriend, Randy Bomita (Randy), went to Caga's residence at No. 2027 Kahilum II, Pandacan, Manila for a drinking spree. Along with other guests, Caga, Randy, and "AAA" started drinking from midnight of September 17, 2006 until the early hours of the following day. After consuming about four bottles of Red Horse Grande, "AAA" and Randy decided to spend the night at Caga's house since they were both very intoxicated. In fact "AAA" vomited a couple of times due to her alcohol intake.


Caga was already asleep on a foam cushion on the floor when "AAA" and Randy slept beside him. While still intoxicated and asleep, "AAA" felt someone kiss her vagina. At first, she thought it was her boyfriend Randy who did it. She tried to push him away as she had menstruation at that time, but failed to stop him as this person proceeded to kiss her on the lips and then went on to take undue liberties with her person. Indeed, in no time at all Caga succeeded in mounting her and in penetrating her private parts with his penis. All the while, "AAA" thought that it was her boyfriend Randy who was having coitus with her.

When she ("AAA") slowly opened her eyes, a tiny glimmer of light coming from the window revealed that it was Caga who had copulated with her while she was in a drunken stupor. "AAA" then became hysterical. She started hitting and slapping Caga and accused him of violating her. She also kicked Randy who was still asleep on the floor. She yelled at Randy exclaiming, "*Bakit mo ako pinabayaan?*"

"AAA" immediately reported the incident at the *Barangay* Hall and the

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<sup>4</sup> Records, p. 1.



Police Station in Pandacan, Manila; and thereafter submitted herself to a medical examination at the Philippine General Hospital (PGH).

During trial, "AAA" positively identified Caga in open court as the person who raped her.

*Barangay Kagawad* Aquino testified that "AAA" appeared at the *Barangay* Hall where she declared that Caga had raped her. After this, he accompanied "AAA" to the Police Station in Pandacan. Then he (Aquino) went to Caga's house and confronted him with "AAA's" accusation that he (Caga) had raped her. According to Aquino Caga admitted that he did rape "AAA" – an admission that Caga repeated at the Police Station.

SPO1 Saturnino testified that she received a complaint for rape lodged by "AAA" against Caga; and that she conducted an investigation into the complaint for rape. She identified "AAA's" sworn statement and the booking sheet she prepared relative to Caga's arrest and detention.

The prosecution concluded its case with the presentation of the PGH's medical examination report which revealed that "AAA" did sustain physical injuries, and that this was indicative of a possible sexual assault.

### *Version of the Defense*

The defense presented Caga as its sole witness. His testimony tended to establish the following:

On the night of September 17, 2006, he (Caga) was in his house having a drinking spree with some friends, including his relative, Randy, and his girlfriend, "AAA." Because he was already drunk, he (Caga) slept ahead of Randy and "AAA." He had no idea that Randy and "AAA" would spend the night in his house and he was even surprised upon waking up that the two were sleeping beside him.

He tried to rouse them up so they could transfer to a bed. When "AAA" was awakened, she immediately asked him if he did something wrong to her. He denied doing anything wrong to her. "AAA" nevertheless became hysterical. He (Caga) then roused up Randy who tried to pacify "AAA."

When Randy and "AAA" left his house, he (Caga) cleaned up and ate breakfast outside his house. He had another drinking spree at a friend's house nearby. Upon returning to his house at around 10:00 a.m., he met *Barangay*



*Kagawad* Aquino who invited him to the *Barangay* Hall. From there, the two of them went to the Pandacan Police Station where he was informed that he was accused of a crime. It was during the Inquest proceedings when he learned that he was accused of raping “AAA.”

### ***Ruling of the Regional Trial Court***

After due proceedings, the RTC of Manila, Branch 26, rendered judgment finding Caga guilty beyond reasonable doubt of the crime of rape punishable under Article 266-A, paragraph 1 of the Revised Penal Code (RPC), and sentencing him to suffer the penalty of *reclusion perpetua*.

The dispositive part of the RTC Decision reads:

PREMISES CONSIDERED, this Court finds accused MARCELINO CAGA y FABRE, GUILTY beyond reasonable doubt of the crime of Rape under the Revised Penal Code of the Philippines, as charged in the Information. He is hereby sentenced to suffer the penalty of Reclusion Perpetua there being no aggravating nor mitigating circumstances, with all the accessory penalties provided by law; and to indemnify private complainant “AAA” the sum of Fifty Thousand (₱50,000.00) Pesos by way of moral damages.

Considering that the accused is a detention prisoner, he is hereby credited with the full length of time he has been under detention.

Cost de Oficio.

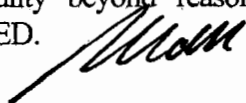
SO ORDERED.<sup>5</sup>

### ***Ruling of the Court of Appeals***

Against this judgment, appellant appealed to the CA contending that the RTC gravely erred in finding him guilty based only on the incredible, implausible and uncorroborated testimony of “AAA.” The CA however, rejected this posture.

Inevitably, on February 14, 2012, the CA disposed of the appeal as follows:

WHEREFORE, the appeal is DISMISSED. The Decision, dated November 13, 2009, of the Regional Trial Court of Manila, Branch 26, in Criminal Case No. 06-246762, finding accused-appellant *Marcelino Caga y Fabre*, guilty beyond reasonable doubt of the crime of rape, is hereby AFFIRMED.



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<sup>5</sup> Id. at 195.

SO ORDERED.<sup>6</sup>

Caga filed a Motion for Reconsideration<sup>7</sup> of the CA's Decision, but this was denied in a Resolution<sup>8</sup> dated August 23, 2012. Undeterred, Caga instituted the instant appeal before this Court.

### ***Assignment of Error***

In his Supplemental Brief,<sup>9</sup> Caga assigns the following error.

I.

THE COURT OF APPEALS GRAVELY ERRED IN FINDING THE ACCUSED-APPELLANT GUILTY BEYOND REASONABLE DOUBT FOR THE CRIME OF RAPE DESPITE THE PROSECUTION'S FAILURE TO CONVINCINGLY PROVE HIS GUILT.<sup>10</sup>

Caga argues that while the Information alleged that force, violence, and intimidation were employed to consummate the alleged rape, the prosecution's evidence failed to establish the existence thereof. He claims that "AAA" did not offer any resistance against his sexual advances, "because she thought that it was her boyfriend (Randy) who was then making love with her."<sup>11</sup>

### **Our Ruling**

We deny the appeal. We hold that the RTC and the CA correctly found the appellant guilty beyond reasonable doubt of the crime of rape.

### ***Elements of Rape***

Under Article 266-A of the RPC, rape is committed by having carnal knowledge of a woman under any of the following circumstances:

1. By using force, threat, or intimidation;
2. When the offended party is deprived of reason or is otherwise unconscious;

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<sup>6</sup> CA rollo, p. 110.

<sup>7</sup> Id. at 116-121.

<sup>8</sup> Id. at 128-130.

<sup>9</sup> Rollo, pp. 29-35.

<sup>10</sup> Id. at 29.

<sup>11</sup> Id. at 30.

3. By means of fraudulent machination or grave abuse of authority; and
4. When the offended party is under twelve (12) years of age or is demented, even though none of the circumstances mentioned above be present.

This Court finds that Caga did have sexual intercourse with “AAA” when she was asleep and still under the influence of alcohol. The case thus falls under the second paragraph of rape: “when the offended party is deprived of reason or is otherwise unconscious.” It is altogether immaterial that the prosecution’s evidence failed to establish the presence of physical force, threat, or intimidation because, as the evidence at bar shows, Caga raped an unconscious and extremely intoxicated woman – a fact that was duly alleged in the Information and duly established by the prosecution’s evidence during the trial. In the case at bench, physical force, threat or intimidation is not necessary, for the simple reason that an unconscious and extremely intoxicated woman cannot freely and voluntarily give her consent to engaging in sexual intercourse.

In point are these succinct observations of the appellate court:

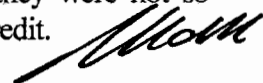
At the core of almost all rape cases, the credibility of the victim’s testimony is crucial in view of the intrinsic nature of the crime where only the participants therein can testify to its occurrence. In this regard, a restatement of a consistent ruling is in order. The rule is that ‘the findings of fact of the trial court, its calibration of the testimonies of the witnesses and its assessment of the probative weight thereof, as well as its conclusions anchored on said findings, are accorded high respect if not conclusive effect.’

The complainant’s testimonies and the pieces of evidence, taken together, all point to the accused-appellant’s complicity to the crime charged.

There is nothing in the records to render suspicious the evidence put forth by the complainant. The accused-appellant is the uncle of her boyfriend. She has no known ill-motive to impute such a grave crime to him and, like the trial court, [w]e did not find any motive why she would fabricate a story that could, in fact, subject herself to public ridicule and humiliation. As settled, no woman would want to go through the process, the trouble and the humiliation of trial for such a debasing offense unless she actually has been a victim of abuse and her motive is but a response to the compelling need to seek and obtain justice.

Rape is a painful experience which is oftentimes not remembered in detail. For such an offense is not analogous to a person’s achievement or accomplishment as to be worth recalling or reliving; rather, it is something which causes deep psychological wounds and casts a stigma upon the victim, scarring her psyche for life and which her conscious and subconscious mind would opt to forget.

Where there is no evidence to indicate that the prosecution witnesses were actuated by improper motive, the presumption is that they were not so actuated and that their testimonies are entitled to full faith and credit.



Besides, the records are reflective of the complainant's version that she was initially sleeping at the time she was ravished right after a drinking spree of hard liquor. There is even no dispute that complainant was at such intoxicated condition. Interestingly, not even the accused-appellant has ever put in issue the [level] of intoxication that the complainant might be at the time of the crime.

The complainant's credibility is further strengthened by the subsequent events that transpired. That she immediately reported the matter to the authorities and submitted herself readily to physical examination are indications of the truth of her accusation.

Indeed, the complainant has consistently been resolute in her desire to seek justice for what has been unlawfully done [to] her. This Court, therefore, has no reason to depart from the findings and conclusion of the trial court when it declared that: 'The fact that [the complainant] immediately reported the matter to the authorities which led to the immediate arrest of the accused and the filing of the instant case, sustained more than ever the credibility of the victim's testimony.'

Viewed under all of these premises, there is no iota of doubt in the mind of this Court that accused-appellant undeniably committed the crime of rape against the complainant.

In his attempt to exculpate himself from this serious charge, all that the accused-appellant did was to proffer his denial which must fail.

It is a well-settled rule that positive identification of the accused, where categorical and consistent and without any showing of ill motive on the part of the eyewitness testifying on the matter, prevails over alibi and denial which if not substantiated by clear and convincing evidence are negative and self-serving evidence undeserving of weight in law.<sup>12</sup>

### ***Credibility of the Prosecution's Witnesses***

Indeed, the CA's findings are in accord with the RTC's assessment that "AAA" is a credible witness and her testimony deserves full faith and credit.

Time and again, this Court has consistently ruled that, "[i]n rape cases, the accused may be convicted solely on the testimony of the victim, provided the testimony is credible, natural, convincing, and consistent with human nature and the normal course of things."<sup>13</sup> The credibility ascribed by the trial judge to the victim and her testimony is an essential aspect of evidence which appellate courts can rely on because of the unique opportunity to observe the witnesses, their demeanor, attitude, and conduct during their direct and cross-examination. Thus, the RTC pertinently observed:

During her testimony, the victim appeared to be straightforward, positive

<sup>12</sup> CA rollo, pp. 108-110.

<sup>13</sup> *People v. Villanueva*, 644 Phil. 175, 188 (2010), citing *People v. Valenzuela*, 597 Phil. 732, 744 (2009).

and convincing in her testimony. Such personal demeanor of the victim truly persuaded and satisfied this Court that the crime charged was indeed perpetrated by the accused. The victim would not have allowed herself to undergo the ordeal of public trial and expose herself to humiliation and embarrassment if her motive is not to bring to justice the person who sexually abused her.

The Court found no motive on the part of the victim to concoct such a false charge. x x x From all indications, she does not appear to have any ill motive to falsely testify against the accused.

The fact that she immediately reported the matter to the authorities, which led to the immediate arrest of the accused and the filing of the instant case, sustained more than ever the credibility of the victim's testimony.<sup>14</sup>

We are shown no reason why this Court ought not to defer to the findings of facts of both the RTC and the CA. Indeed, such findings of facts of both courts bear the hallmark of truth and have the ring of candor and sincerity.

Finally, in line with prevailing jurisprudence,<sup>15</sup> this Court hereby modifies the award of moral damages from ₱50,000.00 to ₱75,000.00. Civil indemnity and exemplary damages are further added to the award of damages, both in the amount of ₱75,000.00. Also, interest at the rate of 6% *per annum* shall be imposed on all damages awarded.

**WHEREFORE**, the appeal is **DISMISSED**. The Decision of the Court of Appeals dated February 14, 2012 in CA-GR. CR-H.C. No. 04248, is **AFFIRMED**, subject to the **MODIFICATIONS** that the appellant Marcelino Caga y Fabre is hereby ordered to pay "AAA" civil indemnity and exemplary damages, both in the amount of ₱75,000.00, as well as the upgraded amount of ₱75,000.00 by way of moral damages. All damages awarded shall earn interest at the rate of 6% *per annum*, reckoned from the finality of this Decision until fully paid.

**SO ORDERED.**

  
MARIANO C. DEL CASTILLO  
*Associate Justice*

<sup>14</sup> Records, p. 194.

<sup>15</sup> *People v. Jugueta*, G.R. No. 202124, April 5, 2016.



WE CONCUR:



**ANTONIO T. CARPIO**

*Associate Justice*

*Chairperson*

(On leave)  
**ARTURO D. BRION**  
*Associate Justice*



**JOSE CATRAL MENDOZA**  
*Associate Justice*



**MARVIC M.V. F. LEONEN**  
*Associate Justice*

**ATTESTATION**

I attest 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.



**ANTONIO T. CARPIO**

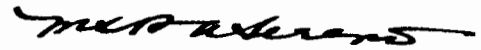
*Associate Justice*

*Chairperson*



## CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution and the Division Chairperson's Attestation, 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.



**MARIA LOURDES P. A. SERENO**

*Chief Justice*

