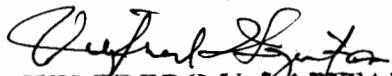




Republic of the Philippines  
**Supreme Court**  
 Manila

CERTIFIED TRUE COPY  
  
**WILFREDO V. LAPID**  
 Division Clerk of Court  
 Third Division

JUL 24 2018

**THIRD DIVISION**

**PEOPLE OF THE PHILIPPINES,**  
 Plaintiff-Appellee,

**G.R. No. 224626**

Present:

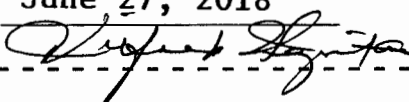
VELASCO, JR., J.,  
*Chairperson,*  
 BERSAMIN,  
 LEONEN,  
 MARTIRES, and  
 GESMUNDO, JJ.

- versus -

YYY,  
 Accused-Appellant.

Promulgated:

June 27, 2018

X -----  ----- X

**DECISION**

**MARTIRES, J.:**

This is an appeal from the 11 November 2015 Decision<sup>1</sup> of the Court of Appeals (CA) in CA-G.R. CR-HC No. 06195, which affirmed with modification the 23 April 2012 Consolidated Judgment<sup>2</sup> of the Regional Trial Court, Benguet (RTC), in Criminal Case Nos. 2K-CR-3865 to 2K-CR-3867, finding accused-appellant YYY<sup>3</sup> guilty beyond reasonable doubt of three (3) counts of Rape.

**THE FACTS**

In three separate Informations all dated 25 August 2000, YYY was charged with rape under Article 335<sup>4</sup> of the Revised Penal Code committed

<sup>1</sup> Rollo, pp. 2-28; penned by Associate Justice Carmelita Salandanan Manahan, and concurred in by Associate Justices Japar B. Dimaampao and Franchito N. Diamante.  
<sup>2</sup> CA rollo, pp. 88-98; penned by Presiding Judge Francis A. Buliyat, Sr.  
<sup>3</sup> The complete names and personal circumstances of the victim's family members or relatives, who may be mentioned in the court's decision or resolution have been replaced with fictitious initials in conformity with Administrative Circular No. 83-2015 (Subject: Protocols and Procedures in the Promulgation, Publication, and Posting on the Websites of Decisions, Final Resolutions, and Final Orders Using Fictitious Names/Personal Circumstances).  
<sup>4</sup> All acts were committed prior to Republic Act No. 8353.



against AAA,<sup>5</sup> his half-sister. The accusatory portion of the informations read:

**Crim. Case No. 2K-CR-3865**

That on or about the 26th day of March 1994, at [XXX], Province of Benguet, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, by means of force, violence and intimidation, did then and there wilfully, unlawfully and feloniously have carnal knowledge with one AAA, a minor, being ten (10) years of age, against her will and consent, to her damage and prejudice.<sup>6</sup>

**Crim. Case No. 2K-CR-3866**

That on or about the 17th day of June 1993, at [XXX], Province of Benguet, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, by means of force, violence and intimidation, did then and there wilfully, unlawfully and feloniously have carnal knowledge with one AAA, a minor, being nine (9) years of age, against her will and consent, to her damage and prejudice.<sup>7</sup>

**Crim. Case No. 2K-CR-3867**

That on or about the 11th day of September 1993, at [XXX], Province of Benguet, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, by means of force, violence and intimidation, did then and there wilfully, unlawfully and feloniously have carnal knowledge with one AAA, a minor, being nine (9) years of age, against her will and consent, to her damage and prejudice.<sup>8</sup>

During his arraignment on 3 September 2001, YYY, with the assistance of his counsel, pleaded "Not Guilty" to all three charges.<sup>9</sup>

***Version of the Prosecution***

On 17 June 1993, AAA was at her home in XXX, Benguet, with her parents and siblings, including YYY. Around 12:00 noon, YYY, who was at their other house, called for AAA and asked her to massage his back. As she

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<sup>5</sup> The true name of the victim has been replaced with fictitious initials in conformity with Administrative Circular No. 83-2015 (Subject: Protocols and Procedures in the Promulgation, Publication, and Posting on the Websites of Decisions, Final Resolutions, and Final Orders Using Fictitious Names/Personal Circumstances). The confidentiality of the identity of the victim is mandated by Republic Act (R.A.) No. 7610 (Special Protection of Children Against Abuse, Exploitation and Discrimination Act); R.A. No. 8505 (Rape Victim Assistance and Protection Act of 1998); R.A. No. 9208 (Anti-Trafficking in Persons Act of 2003); R.A. No. 9262 (Anti-Violence Against Women and Their Children Act of 2004); and R.A. No. 9344 (Juvenile Justice and Welfare Act of 2006).

<sup>6</sup> Records (Criminal Case No. 2K-CR-3865), pp. 1-2.

<sup>7</sup> Records (Criminal Case No. 2K-CR-3866), pp. 1-2.

<sup>8</sup> Records (Criminal Case No. 2K-CR-3867), pp. 1-2.

<sup>9</sup> Id. at 17.

was massaging him, he went behind her and began to undress her. Then he forced her to lie down and removed her pants and underwear. He placed himself on top of her and inserted his penis into her vagina. AAA could not push him away or shout for help because YYY forced himself on her and placed a handkerchief in her mouth. During the ordeal, she was crying as her body ached. After more than 30 minutes of carnal knowledge, YYY threatened AAA not to tell anyone or he would kill her. After getting dressed, he went outside the house and left her crying.<sup>10</sup>

In the afternoon of 11 September 1993, AAA was sleeping in their house when she felt someone approach and carry her. When she opened her eyes, she saw it was YYY who laid her on top of a carton pile. He undressed AAA and then started kissing her before inserting his penis into her vagina. AAA tried to push him away but she could not get out of his embrace. YYY thereafter put on his clothes while AAA ran crying to her father in the garden. She, however, did not explain why she was crying for fear that YYY would make good his threat to kill her.<sup>11</sup>

On 26 March 1994, AAA was at home sleeping beside her sibling when YYY came beside her and proceeded to undress her. She tried to wake up her sibling but YYY pulled her to the corner and angrily told her to remain still. There, he kissed her and inserted his penis into her vagina. After he was done ravishing her, YYY uttered the same threat to kill her and her sibling if she told anyone. AAA went back to sleep after the incident. Out of fear, she did not tell anyone about the abuses.<sup>12</sup>

In 2000, AAA decided to file a case against YYY after she discovered that he was also raping her younger sister. The medical examination conducted on AAA revealed that she had shallow healed lacerations at 3 o'clock position and deep healed lacerations at the 6 o'clock position in her hymen; it meant that a blunt object had been inserted into her vagina.<sup>13</sup>

### *Version of the Defense*

On 18 December 1999, YYY was at Dalawa, Alilem, Ilocos Sur, when someone informed him that his siblings, together with his half-sister AAA, were having a picnic by the river. After work, he went to the river and there saw his siblings with their cousin and five other male companions. YYY scolded them for having a picnic until night time without visiting their grandfather first. One of his siblings then threw stones at him and then

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<sup>10</sup> *Rollo*, pp. 5-6.

<sup>11</sup> *Id.* at 6.

<sup>12</sup> *Id.* at 6-7.

<sup>13</sup> *Id.* at 7.

mauled him. The group then left and YYY followed AAA, who ran towards the opposite direction.<sup>14</sup>

YYY was able to catch up with AAA and asked her what they were doing. Suddenly, AAA's male companions arrived and beat him up and even hit him in the head with a stone. YYY tried to escape by boarding a passing vehicle, but he was pulled away and was again mauled. On 18 January 2000, he went to the office of the Barangay Captain of Dalawa, Alilem, Ilocos Sur, to file a complaint. However, YYY's complaint was abandoned after it was discovered that AAA had filed a case for rape against him.<sup>15</sup>

### *The RTC Ruling*

In its 23 April 2012 consolidated judgment, the RTC found YYY guilty of three (3) counts of rape defined and penalized under Article 335 of the RPC because all the incidents occurred prior to the passage of Republic Act No. 8353. The trial court noted that AAA positively identified YYY as her abuser and had categorically and clearly narrated how he had forced himself upon her. It disregarded YYY's defense of denial and alibi in view of AAA's positive identification of him. The RTC also found without merit his allegations that AAA's accusations were motivated by a desire to exact revenge against him. It expounded that family feuds have not prevented the Court from giving, if proper, full credence to the testimony of minor complainants who remained consistent throughout their direct and cross-examinations. The RTC also posited that the delay in filing the rape cases against YYY can be attributed to the threats he made against AAA. The dispositive portion reads:

WHEREFORE, this court finds accused YYY GUILTY BEYOND REASONABLE DOUBT for THREE (3) COUNTS OF RAPE and is hereby sentenced to suffer the penalty of RECLUSION PERPETUA for each case. He is likewise ordered to pay private complainant, AAA, PhP75,000.00 as moral damages, PhP75,000.00 as civil indemnity and another PhP25,000.00 as exemplary damages for each case. The awards for civil indemnity and damages are without subsidiary penalties in case of insolvency.

Let a Warrant of Arrest be issued immediately against convict YYY for the service of his sentence.

Furnish a copy of this Consolidated Judgment to the Office of the Provincial Prosecutor of Benguet; the private complainant; the accused and his counsel.

SO ORDERED.<sup>16</sup>



<sup>14</sup> Id.

<sup>15</sup> Id. at 7-8.

<sup>16</sup> CA rollo, p. 98.

Aggrieved, YYY appealed before the CA.

### ***The CA Ruling***

In its assailed decision, the CA affirmed with modification the RTC decision. The appellate court agreed that AAA's narration was clear, spontaneous, and straightforward. As such, it noted that her testimony established all the elements of rape under Article 335 of the RPC. The CA dismissed YYY's argument that AAA's testimony was suspicious and incredible because it was perfect down to the minute details. The appellate court agreed that YYY is guilty only of simple rape because the qualifying circumstance of relationship was not alleged in the informations filed against him. However, the CA modified the damages awarded to conform to the jurisprudence prevalent at that time. It ruled:

**WHEREFORE**, premises considered, the appeal is hereby **DISMISSED**. The Consolidated Judgment of the Regional Trial Court (RTC) of [XXX], Benguet, in Criminal Case Nos. 2K-CR-3865, 2K-CR-3866, and Criminal Case No. 2K-CR-3867 is **AFFIRMED** with the following **MODIFICATIONS**:

The accused-appellant [YYY] is hereby convicted of three counts of simple rape as defined under Article 335 of the Revised Penal Code and is sentenced to suffer the penalty of reclusion perpetua for each count of simple rape. He is ordered to pay AAA the amounts of ₱50,000.00 as civil indemnity, ₱50,000.00 as moral damages, and ₱30,000.00 as exemplary damages.

The amount of damages awarded are subject to interest at the legal rate of 6% per annum, to be reckoned from date of finality of this Decision until fully paid.

SO ORDERED.<sup>17</sup>

Hence, this appeal raising the following:

### **ISSUES**

I.

WHETHER THE COURT A QUO GRAVELY ERRED IN CONVICTING THE ACCUSED-APPELLANT OF THE CRIME OF RAPE BASED ON THE INCREDIBLE TESTIMONY OF THE PRIVATE COMPLAINANT; AND



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<sup>17</sup> Rollo, pp. 27-28.

## II.

WHETHER THE COURT A QUO GRAVELY ERRED IN CONVICTING THE ACCUSED-APPELLANT OF THE CRIME OF RAPE DESPITE THE FACT THAT THERE IS NO EVIDENCE THAT WOULD CORROBORATE COMPLAINANT'S CLAIMS.<sup>18</sup>

**THE COURT'S RULING**

The appeal has no merit.

Essentially, YYY's attempt at exoneration rests heavily on his challenge of AAA's credibility as a witness. He argues that the medical findings do not necessarily support her claims that she was raped on three separate dates. As such, YYY surmises the trial court should have been more circumspect in assessing AAA's testimony. He bewails that a deeper scrutiny of AAA's testimony becomes more imperative considering that it appears to be perfect, raising the possibility that she was rehearsed. YYY highlights that the incident occurred almost nine (9) years prior to her testimony in court. Finally, he believes that AAA's actions are contrary to human experience and negate her allegations that there was force and intimidation during the rape incidents.

The Court finds YYY's arguments devoid of value.

A medico-legal report is not indispensable in rape cases as it is merely corroborative in nature.<sup>19</sup> Thus, even without it, an accused may still be convicted on the sole basis of the testimony of the victim.<sup>20</sup> As such, the credibility of the witness should be assessed independently regardless of the presence or absence of a medico-legal report. Trial courts are expected to scrutinize the victim's testimony with great caution,<sup>21</sup> with or without a medico-legal report to corroborate the same.

In the present case, YYY does not point to any inconsistency in AAA's testimony to discredit her. Rather, he perceives that her testimony was immaculate, such that it was in all likelihood rehearsed.

It is axiomatic that the trial court's assessment of the credibility of witnesses, the probative weight of their testimonies and conclusions drawn therefrom are accorded the highest respect by appellate courts considering that their revisory power and authority are generally limited to the bare and

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<sup>18</sup> CA rollo, p. 77.

<sup>19</sup> *People v. Opong*, 577 Phil. 571, 593 (2008).

<sup>20</sup> *People v. Escoton*, 625 Phil. 74, 87 (2010).

<sup>21</sup> *People v. Daganta*, 370 Phil. 751, 759 (1999).



cold records of the case.<sup>22</sup> In *People v. Rivera*,<sup>23</sup> the Court reminded why the assessment of trial courts as to the credibility of witnesses is given great weight and finality, to wit:

Time and again, we have held that when the decision hinges on the credibility of witnesses and their respective testimonies, the trial court's observations and conclusions deserve great respect and are often accorded finality, unless there appears in the record some fact or circumstance of weight which the lower court may have overlooked, misunderstood or misappreciated and which, if properly considered, would alter the result of the case. The trial court judge enjoys the advantage of observing the witness' deportment and manner of testifying, her "furtive glance, blush of conscious shame, hesitation, flippant or sneering tone, calmness, sigh, or the scant or full realization of an oath"—all of which are useful aids for an accurate determination of a witness' honesty and sincerity. The trial judge, therefore, can better determine if such witnesses were telling the truth, being in the ideal position to weigh conflicting testimonies. **Unless certain facts of substance and value were overlooked which, if considered, might affect the result of the case, its assessment must be respected for it had the opportunity to observe the conduct and demeanor of the witness while testifying and detect if they are lying.**<sup>24</sup> (emphasis supplied)

After an assiduous review of the records, the Court finds no reason to depart from the assessment by the trial court of AAA's testimony. She was straightforward and categorical in narrating YYY's dastardly deeds and never wavered in identifying him as her abuser.

In fact, YYY does not see any material inconsistency in her testimony but discredits the same on account of it being a perfect retelling of the incidents — making it likely that the testimony was rehearsed. He argues that since immaterial inconsistencies are a badge of truth as it shows that the testimony was not rehearsed, then testimonies that are perfect in all aspects are suspect of having been prepared or memorized.

It would be challenging for the Court to determine whether AAA's testimony was rehearsed because it relied only on the cold, blank pages of the transcripts. The transcripts recite nothing more but the words uttered by witnesses in open court, devoid of emotion which could give valuable insight to the motivations or possible biases of witnesses in testifying. As such, the trial court is best situated to determine whether AAA was coached because it could analyze her testimony in a more complete context taking into account her body language and other non-verbal cues that could have manifested that she was less than truthful. Since no material facts

<sup>22</sup> *People v. Soriano*, G.R. No. 216063, 5 June 2017.

<sup>23</sup> 717 Phil. 380 (2013), citing *People v. Belga*, 402 Phil. 734, 742-743 (2001).

<sup>24</sup> *Id.* at 391-392.

which could alter the results of the case have been overlooked, the Court adopts the assessment of the trial court.

In addition, YYY finds it unbelievable that AAA could still recall the details even if she only testified nine (9) years after the last rape incident. Nevertheless, it is not farfetched that AAA could remember events that transpired on those fateful dates. After all, it is especially traumatic for a child of tender age to have been defiled by her own flesh and blood. Surely, it could have been possible that the details of the harrowing event were painfully etched in the recesses of her mind.

AAA's testimony alone sufficed in establishing the elements of rape: (1) accused had carnal knowledge of the victim; and (2) it was accomplished (a) through the use of force or intimidation; (b) when the victim is deprived of reason or otherwise unconscious; or (c) when the victim is under 12 years of age or is demented.<sup>25</sup>

On three different occasions, YYY forcibly had sexual intercourse with AAA. *First*, he forced AAA to lie down and even inserted a handkerchief in AAA's mouth while he defiled her. *Second*, YYY carried AAA, who was awakened from her sleep, and laid on top of a carton pile where she was ravished. *Finally*, he isolated AAA in a corner where he molested her. In each of the instances she was violated, she would try to escape but he would overpower her. YYY even threatened her that he would kill AAA and her siblings if she would tell anyone about it.

YYY dismisses AAA's testimony and assails that her failure to cry for help during and after the alleged rape incidents belies the presence of force and intimidation because during those times other family members were around. AAA could not be faulted for not crying for help because he had threatened to kill her if she told someone about it. In fact, in the second incident, she ran to her father crying but ultimately decided not to tell him due to YYY's threats. In addition to the third incident, AAA tried to wake up her sibling but YYY pulled her to a corner and instructed her to keep still. More importantly, lest it be forgotten, AAA was only nine years old during the first and second rape and ten years old during the last one.

Even assuming that the prosecution failed to prove force and intimidation, this still could not favor YYY. In incestuous rape of a minor, it is not necessary that actual force or intimidation be employed.<sup>26</sup> YYY is AAA's older half-brother. In addition, the gravamen of statutory rape is carnal knowledge with a woman below 12 years old; and it is unnecessary that force and intimidation be proven because the law presumes that the

<sup>25</sup> *People v. Perez*, 673 Phil. 373, 379 (2011).

<sup>26</sup> *People v. Ortega*, 680 Phil. 285, 297 (2012).





victim, on account of his or her tender age, does not have a will of his or her own.<sup>27</sup> In all the rape incidents, AAA had yet to reach 12 years of age.

Clearly, this feeble attempt at exoneration deserves scant consideration because even if YYY did not employ force and intimidation in those three instances, he would still be guilty of rape. In the present case, the presence of actual force or intimidation is rendered immaterial on account of YYY's relationship with AAA and her age at the time of the alleged sexual encounters.

While the Court agrees with the courts *a quo* as regards the guilt of YYY in all three charges, there is a need to modify the damages awarded to conform to recent jurisprudence.

In *People v. Jugueta*,<sup>28</sup> the Court set the standard of damages to be awarded in certain heinous crimes and settled that victims in simple rape are entitled to the following damages: (a) ₱75,000.00 as civil indemnity; (b) ₱75,000.00 as moral damages; and (c) ₱75,000.00 as exemplary damages. In conformity with *Jugueta*, all damages awarded to AAA should be increased accordingly.

**WHEREFORE**, the 11 November 2015 Decision of the Court of Appeals in CA-G.R. CR-HC No. 06195 is **AFFIRMED with MODIFICATION**. Accused-appellant YYY is ordered to pay AAA ₱75,000.00 as civil indemnity, ₱75,000.00 as moral damages, and ₱75,000.00 as exemplary damages for each count of rape. All damages awarded are subject to interest at the rate of six percent (6%) per annum computed from the finality of this judgment until fully paid.


**SO ORDERED.**

  
SAMUEL R. MARTIRES  
Associate Justice

<sup>27</sup> *People v. Lopez*, 617 Phil. 733, 744-745 (2009).

<sup>28</sup> 783 Phil. 806 (2012).

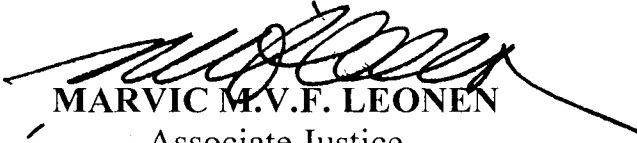
**WE CONCUR:**



**PRESBITERO J. VELASCO, JR.**  
Associate Justice  
Chairperson



**LUCAS P. BERSAMIN**  
Associate Justice



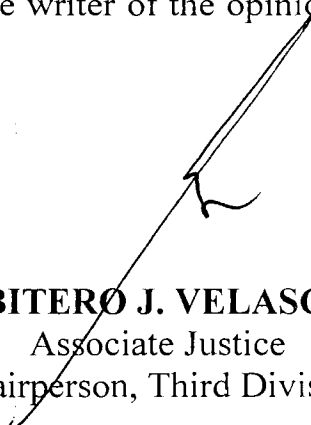
**MARVIC M.V.F. LEONEN**  
Associate Justice



**ALEXANDER G. GESMUNDO**  
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.



**PRESBITERO J. VELASCO, JR.**  
Associate Justice  
Chairperson, Third Division

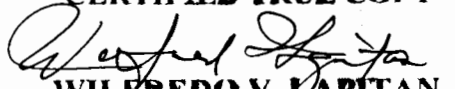
**CERTIFICATION**

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.



**ANTONIO T. CARPIO**  
Senior Associate Justice  
(Per Section 12, R.A. No. 296,  
The Judiciary Act of 1948, as amended)

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**WILFREDO V. LAPITAN**  
Division Clerk of Court  
Third Division

JUL 24 2018