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Wilfredo V. Laptan
WILFREDO V. LAPATAN
Division Clerk of Court
Third Division
JAN 22 2019



Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff-Appellee,

G.R. No. 234323

Present:

PERALTA, J., Chairperson,
LEONEN,
REYES, A.B., JR.,*
HERNANDO, and
CARANDANG,** JJ.

- versus -

JORDAN BATALLA y AQUINO,
Accused-Appellant.

Promulgated:

January 7, 2019

Wilfredo V. Laptan

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DECISION

PERALTA, J.:

On appeal is the May 31, 2017 Decision¹ of the Court of Appeals (CA) in CA-G.R. CR HC No. 08314 which affirmed the Decision² dated February 26, 2016 of the Regional Trial Court (RTC) of Camiling, Tarlac, Branch 68, finding appellant Jordan Batalla y Aquino guilty beyond reasonable doubt of the crime of rape committed against AAA, a 14-year-old minor.³

* On leave.

** Designated Additional Member per Special Order No. 2624 dated November 28, 2018.

¹ Penned by Associate Justice Stephen C. Cruz, with Associate Justices Jose C. Reyes, Jr. (now a member of this Court) and Nina G. Antonio-Valenzuela, concurring; *rollo*, pp. 2-14.

² Penned by Judge Jose S. Vallo; CA *rollo*, pp. 11-25.

³ Pursuant to R.A. No. 7610, "An Act Providing for Stronger Deterrence and Special Protection against Child Abuse, Exploitation and Discrimination, and for Other Purposes;" R.A. No. 9262, "An Act Defining Violence against Women and Their Children, Providing for Protective Measures for Victims, Prescribing Penalties Therefore, and for Other Purposes;" Section 40 of A.M. No. 04-10-11-SC, known as the "Rule on Violence against Women and Their Children," effective November 15, 2004; and *People v. Cabalquinto*, 533 Phil. 703 (2006), the real name of the rape victim is withheld and, instead, fictitious initials are used to represent her. Also, the personal circumstances of the victim or any other information tending to establish or compromise her identity, as well as those of her immediate family or household members, is not disclosed (*People v. CCC*, G.R. No. 220492, July 11, 2018).

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The antecedent facts are as follows.

On September 12, 2011, an Information was filed against Batalla for the crime of rape under Article 266-A, paragraph 1(a) of the Revised Penal Code (*RPC*), in relation to Republic Act (*R.A.*) No. 7610, the accusatory portion of which reads:

That on or about August 5, 2011, around 11:00 PM in the Municipality of XXX, Philippines and within the jurisdiction of this Honorable Court, the above-named accused by means of threat and intimidation, did then and there wilfully, unlawfully and feloniously succeeded in having sexual intercourse with AAA, a minor, 14 years old, against her will and without her consent.

CONTRARY TO LAW.⁴

During arraignment, Batalla, assisted by counsel, pleaded not guilty to the charge. Subsequently, trial on the merits ensued. Presented as witnesses for the prosecution were AAA, the victim, BBB, the father of AAA, Special Police Officer 4 (*SPO4*) Jo-Ann Casipit, and Dr. Dalisay Tangonan. Thereafter, the defense presented as witnesses Batalla, his mother, Hilda Batalla, and a certain Ma. Clara Vincecruz.

According to AAA, she is a resident and citizen of the United States, and was on vacation in Camiling, Tarlac, to acquaint herself with her local relatives. She stayed in the house of her aunt Corazon De Mayo. Around 11 o'clock in the evening of August 5, 2011, she was already asleep on a bed in the living room when she was awakened by loud knocks on the door made by her cousin Meco De Mayo. She opened the door and went back to sleep. After a while, she was again awakened as she felt compressed by the weight of a person on top of her. When she opened her eyes, she was surprised to see Batalla, whom she had known to be the friend of her cousin, Meco. She could not push him away as he was too strong. AAA narrated that Batalla started to kiss her and warned her not to shout. She became really scared when Batalla threatened to kill her. Thereafter, Batalla rolled up her shirt and mashed her breast. He pulled her pants off, spread her legs apart, and inserted his penis into her vagina, and penetrated her for about 10 minutes. After the incident, AAA recounted that Batalla slept in a sofa near her while she laid exhausted in bed suffering pain in her entire body. After about 30 minutes, Batalla raped her again which caused her to pass out. The following day, AAA noticed blood stains on her bed and panty. Due to fear, however, she did not say a word to anyone. But a few days after, or on August 11, 2016, her mother confronted her about the incident after having read her diary's entry that she had lost her virginity to Batalla. Consequently, her mother brought her to the Camiling Police Station to report the crime. There,

⁴ Rollo p. 3.

she executed her sworn statement before SPO4 Casipit. On the same day, she was examined by Dr. Tangonan, who found an old hymenal laceration at the 5 o'clock position.⁵

In his defense, Batalla testified that he arrived home from work at around 5:30 p.m. on August 5, 2011. He briefly ate a meal and helped his mother, Hilda, and his eldest sibling in the preparations for Hilda's birthday party that day. Thereafter, Batalla joined the guests and had videoke until past midnight.

Batalla's testimony was corroborated by Hilda and Ma. Clara Vincecruz. Hilda confirmed that Batalla was at her birthday party until its end at past midnight. Vincecruz, likewise, testified that she attended the party and saw Batalla there. She left the same at around 7:00 p.m., but went back at around 10:00 p.m. According to her, Batalla was attending to the guests until she left at midnight.⁶

On February 26, 2016, the RTC rendered its Decision finding Batalla guilty of the crime charged, disposing of the case as follows:

WHEREFORE, accused Jordan Batalla y Aquino is hereby found guilty beyond reasonable doubt of the offense of rape in relation to RA 7610 and hereby sentences him to a penalty of *reclusion perpetua* without eligibility of parole.

Accused Batalla is likewise ordered to pay private complainant the amount of Php75,000.00 as moral damages, another amount of Php75,000.00 as civil indemnity, and still another amount of Php30,000.00 as exemplary damages in line with prevailing jurisprudence. All the damages awarded shall earn interest at the rate of 6% per annum from the date of finality of judgment until fully paid.

SO ORDERED.⁷

The RTC found that AAA vividly and straightforwardly recounted the sufficient details of the rape incident. When a woman, especially a minor says that she has been raped, she says in effect all that is necessary to show that rape was committed. The fact that AAA did not report the incident is of no moment in view of settled jurisprudence that delay in the filing is not an indication of falsehood. The trial court added that the fact that the sexual assault was committed in a room adjacent to AAA's aunt and cousins does not make her claim any less credible. Neither does the fact that she failed to shout for help during the rape for as AAA stated, she was afraid of Batalla's threats. As regards the absence of external signs of physical injuries as well as the non-presentation of AAA's bloodied underwear and diary, the RTC

⁵ *Id.* at 4-5.

⁶ *Id.* at 5.

⁷ CA rollo p. 25.

held that proof of the same is not an element of rape nor are they indispensable to the conviction of the accused. Finally, the trial court rejected Batalla's defenses of denial and alibi. According to the RTC, it is unbelievable for his mother Hilda to have kept an eye on him throughout her birthday party since she was too busy entertaining her guests. The same is true with Vincecruz who admitted that she was focused on the videoke. As for his alibi that he was not present at the scene of the crime since he was at his mother's birthday party in their house, the RTC ruled that the distance between his house and the house where AAA was at was only two (2) blocks away and could be negotiated in just a five (5)-minute walk.⁸

In a Decision dated May 19, 2017, the CA affirmed the judgment of conviction *in toto*. According to the appellate court, there was no reason to reverse the findings of the RTC who had the opportunity to observe the conduct of the witnesses.

Now before Us, Batalla manifested that he would no longer file a Supplemental Brief as he has exhaustively discussed the assigned errors in his Appellant's Brief.⁹ The Office of the Solicitor General (*OSG*) similarly manifested that it had already discussed its arguments in its Appellee's Brief.¹⁰

After a careful review of the records and the parties' submissions, the Court finds no cogent reason to reverse the judgment of conviction. There is no showing that the RTC or the CA committed any error in the findings of fact and the conclusions of law. Settled is the rule that the trial court's evaluation and conclusion on the credibility of witnesses in rape cases are generally accorded great weight and respect, and at times even finality, and that its findings are binding and conclusive on the appellate court, unless there is a clear showing that it was reached arbitrarily or it appears from the records that certain facts or circumstances of weight, substance or value were overlooked, misapprehended or misappreciated by the lower court and which, if properly considered, would alter the result of the case. Having seen and heard the witnesses themselves and observed their behavior and manner of testifying, the trial court stood in a much better position to decide the question of credibility. Indeed, trial judges are in the best position to assess whether the witness is telling a truth or lie as they have the direct and singular opportunity to observe the facial expression, gesture and tone of voice of the witness while testifying.¹¹

In the instant case, the RTC aptly found that the prosecution sufficiently established the presence of the elements of rape under Article

⁸ *Id.* at 15-24.

⁹ *Rollo*, p. 31.

¹⁰ *Id.* at 25.

¹¹ *People v. Matutina*, G.R. No. 227311, September 26, 2018.

266-A, paragraph 1(a) of the RPC.¹² During the trial, AAA vividly gave a detailed narration of what transpired in the evening of August 5, 2011. In a sincere and convincing manner, AAA painstakingly recounted how she was suddenly awakened by Batalla who was on top her, how he kissed her very hard, spread her legs, and took away her virginity by inserting his private organ into hers. She re-lived that time when she had to keep the harrowing experience to herself in fear of the threats made to her by Batalla; viz.:

Q: Ms. Witness, so you were awakened by the weight of Jordan on top of you. What happened after you were awakened by the weight of Jordan on top of you?

A: He started kissing me very hard.

Q: Other than started kissing you very hard, what happened next?

A: I could not breathe because I was suffocating under the... because I am claustrophobic sometimes and tired so I can't really breathe. I was trying to breathe through my nose. I was trying to push him away but I guess he did not feel it because he was strong.

Q: So you were pushing him back?

A: Yes.

Q: Were you able to successfully push him back?

A: No.

Q: After you failed to push him back, what happened next?

A: I was trying to make sound but he told me to be quiet.

Q: You are trying to make a sound?

A: Yes, I was trying to make a sound but he told me to be quiet.

Q: When you said you kept silent, do you recall if those words were made in English or in any language?

A: Made in English.

Q: What did he say to you?

A: Be quiet in a harsh voice. He did not want anyone to hear.

Q: It was a harsh word in saying be quiet?

A: Yes.

Q: What did you feel when this person told you to be quiet when he is on top of you?

A: I was scared.

Q: What do you feel when you say I was scared?

A: I feel restricted to move, I feel restricted to talk, I did not want to.

¹² Article 266-A of the RPC provides that a rape is committed:

1) By a man who shall have carnal knowledge of a woman under any of the following circumstances:

a) Through force, threat or intimidation;

b) When the offended party is deprived of reason or is otherwise unconscious;

c) By means of fraudulent machination or grave abuse of authority;

d) When the offended party is under twelve (12) years of age or is demented, even though none of the circumstances mentioned above be present.



Q: Is my understanding correct that you were not able to move or you were not able to talk because of fear?

A: Yes.

Q: While you were not able to move and talk because of fear, what did this Jordan do?

A: He then proceeded to open my ____, rolled up my shirt and placed his hand on my left shoulder.

Q: When you said he placed his hand over your shoulder, you felt pressure?

A: Yes.

Q: When you felt pressure, what did you do, if any?

A: I was still scared, you know.

Q: When he was able to pin you as you claimed you were scared, what happened next?

A: He rolled up my shirt and he placed his right hand on my left shoulder with pressure and I was so scared you know. I am trying to fight back. When I fall asleep, I usually don't come back with conscience a while after so I am still a kind of sleepy, trying to push him away and then he rolled up my shirt and he started kissing and squeezing on my breast. It was very painful. It hurt a lot. I was trying to stop him but he did not hear me. He doesn't want to.

Q: What happened next?

A: He proceeded to take off his pants and my other arm was trying to pull my pants because he was trying to pull my pants and I guess it slipped out of my hand and from then he went to lock my knees into the bed and he started going and I was already exhausted and tired. I was afraid to make a sound. He kept telling me to be quiet in a harsh voice. I was scared to move. Maybe he might hurt me and from then he got up and then went away and went to go to sleep at the sofa and I was there lying down and I was trying to put my pants but I could not because I have so much pain in my body. I felt the pain is unbearable and excoriating.

x x x x

Q: You were still afraid at that time?

A: Very afraid.

Q: Can you talk during that time or did you bother to make a sound?

A: I was too scared.

Q: While your legs were spread, what did the accused do to you?

A: He abused my femininity and he took away my virginity.

Q: When you say he took away your virginity, he inserted his private organ to your private organ?

A: Yes.

Q: What did you feel when the accused has inserted his private organ to your private organ?

A: So much pain. It hurt so much.



x x x x

PROS. GUARDIANO:

Q: Do you remember if there were any tears that flowed from your eyes at that time because you claimed you tried to make a sound but you cannot because you were too scared?

A: Yes, sir.

Q: Despite the fact that you tried to fight back and resisted the advances of the accused and the accused was able to penetrate your private organ with his private organ, do you recall how long the incident lasted?

A: Maybe ten (10) minutes.

Q: Meaning from the start that you were pinned down or you were awoken by the weight on top of your body?

A: From the start, for half an hour.

x x x x

PRO. GUARDIANO:

Q: After the accused has successfully abused your femininity as you claimed, what did the accused do?

A: He went back to sleep on the sofa above me and from then I tried to pull my pants. I could not move. I tried but I have so much pain in my body and then as much pain that I was in he got up maybe three minutes after he did the same thing again. For a short amount of time he went back to sleep. I have so much pain and I passed out.

Q: Passed out?

A: Yes.

Q: You mean to say that after the sexual abuse, the accused repeated to sexually abuse you until you passed out?

A: Yes.

x x x x

Q: When you woke up, what did you see, if any, in your bed?

A: Well, I went to the bathroom. I feel a lot of pain. I was so limping and I saw a lot of blood stains in my panty. I was so afraid, why is it like this, so I washed and I went back to bed and there is a lot of blood there and I was so shocked.

Q: Did you bother to report that matter to anybody on that morning or the following day?

A: No. I did not.

Q: Will you tell us the reason why did you not report?

A: I was scared.

Q: Why were you still scared after the incident?

A: He threatened to kill me.¹³

Apart from the reliability of the foregoing account, the Court finds that the RTC and the CA duly rejected Batalla's claims and defenses. *First* of all, the fact that AAA failed to shout for help and to immediately report the rape incident does not affect her case. Settled is the rule that delay in reporting the incident does not weaken AAA's testimony especially in view of the threats Batalla made to kill her. Delay in revealing the commission of a crime such as rape does not necessarily render such charge unworthy of belief. This is because the victim may choose to keep quiet rather than expose her defilement to the harsh glare of public scrutiny. Only when the delay is unreasonable or unexplained may it work to discredit the complainant.¹⁴

Second, it is settled that the absence of physical injuries or fresh lacerations asserted by Batalla does not negate the rape, and although medical results may not indicate physical abuse, rape can still be established since medical findings or proof of injuries are not among the essential elements in the prosecution for rape.¹⁵ Thus, Batalla may still be convicted of the crime charged even in the absence of physical injuries sustained by AAA.

Third, with respect to Batalla's defenses of denial and alibi, We have pronounced time and again that both denial and alibi are inherently weak defenses which cannot prevail over the positive and credible testimony of the prosecution witness that the accused committed the crime. Thus, as between a categorical testimony which has a ring of truth on one hand, and a mere denial and alibi on the other, the former is generally held to prevail. For the defense of alibi to prosper, it must be sufficiently convincing as to preclude any doubt on the physical impossibility of the presence of the accused at the *locus criminis* or its immediate vicinity at the time of the incident.¹⁶ In the case at hand, Batalla insists that he was at the birthday party of his mother which was held at their house, attending to the guests all night long. It bears stressing, however, that said house is only two (2) blocks away from the house where AAA was allegedly raped and can be traversed by foot in just five (5) minutes. Unfortunately for Batalla, therefore, he was clearly in the immediate vicinity of the *locus criminis* at the time of the commission of the crime. As the RTC observed, moreover, the testimonies of his mother and a guest at the party cannot save his case for it is rather unbelievable for them to have kept an eye on him the entire night. Seeing him at one point in the party does not automatically mean that he was there from beginning until the end of the four (4) to five (5)-hour event. Thus, his defense of alibi must necessarily fail.

¹⁴ *People v. YYY*, G.R. No. 234825, September 5, 2018.

¹⁵ *People v. Lagbo*, 780 Phil. 834, 846 (2016).

¹⁶ *People v. Cataytay*, 746 Phil. 185, 195 (2014).

Indeed, when the trial court's findings have been affirmed by the appellate court, said findings are generally binding upon the Court, unless there is a clear showing that they were reached arbitrarily or it appears from the records that certain facts of weight, substance, or value are overlooked, misapprehended or misappreciated by the lower court which, if properly considered, would alter the result of the case. After a circumspect study of the records, the Court sees no compelling reason to depart from the foregoing principle.¹⁷

As for the penalty imposed, the Court notes that pursuant to the A.M. No. 15-08-02-SC,¹⁸ in cases where death penalty is not warranted, such as this case, there is no need to qualify the sentence of *reclusion perpetua* with the phrase "without eligibility for parole," it being understood that convicted persons penalized with an indivisible penalty are not eligible for parole. Moreover, pursuant to *People v. Jugueta*,¹⁹ the amount of exemplary damages awarded by the trial court should be increased to ₱75,000.00.

WHEREFORE, premises considered, the appeal is **DENIED**. The assailed Decision dated May 31, 2017 of the Court of Appeals is **AFFIRMED** with **MODIFICATION**. Appellant Jordan Batalla y. Aquino is hereby sentenced to suffer the penalty of *reclusion perpetua* and is **ORDERED** to **PAY** AAA the amounts of ₱75,000.00 as civil indemnity, ₱75,000.00 as moral damages, and ₱75,000.00 as exemplary damages. In addition, six percent (6%) interest *per annum* is imposed on all the amounts awarded reckoned from the date of finality of this Decision until fully paid.

SO ORDERED.

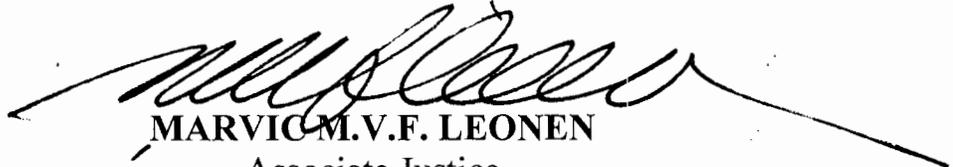

DIOSDADO M. PERALTA
Associate Justice

¹⁷ *People v. Macapagal*, G.R. No. 218574, November 22, 2017.

¹⁸ Guidelines for the Proper Use of the Phrase "Without Eligibility for Parole" in Indivisible Penalties, August 4, 2015.

¹⁹ 783 Phil. 806 (2016).

WE CONCUR:



MARVIC M.V.F. LEONEN
Associate Justice

On leave
ANDRES B. REYES, JR.
Associate Justice



RAMON PAUL L. HERNANDO
Associate Justice



ROSMARI D. CARANDANG
Associate Justice

ATTESTATION

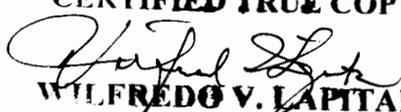
I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



DIOSDADO M. PERALTA
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.

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WILFREDO V. LAPITAN
Division Clerk of Court
Third Division



ANTONIO T. CARPIO
Acting Chief Justice

JAN 22 2019