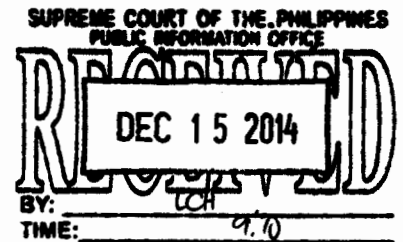




Republic of the Philippines
Supreme Court
Manila
FIRST DIVISION



NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated **September 24, 2014** which reads as follows:*

“G.R. No. 198023 – PEOPLE OF THE PHILIPPINES, Plaintiff-Appellee, v. DANILO MANEJA Y PASCUA, Accused-Appellant.

In this appeal, the accused seeks to reverse the decision promulgated on February 17, 2011,¹ whereby the Court of Appeals (CA) affirmed his conviction for rape under the judgment rendered by the Regional Trial Court (RTC), Branch 14, in Laoag City, Ilocos Norte.²

Antecedents

The information dated April 29, 2009 averred the following against the accused, to wit:

That on or about the 27th day of April, 2009, in the City of Laoag, Philippines, and within the jurisdiction of the Honorable Court, the above-named accused, did then and there willfully, unlawfully and feloniously had sexual intercourse with the private complainant AAA³ against the latter's will and consent.

¹ Rollo, pp. 2-19; penned by Associate Justice Isaias P. Dicdican, with Associate Justice Stephen C. Cruz and Associate Justice Rodil V. Zalameda concurring.

² CA rollo, pp. 10-32.

³ 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 names of the victims, as well as those of their immediate family or household members, are withheld and fictitious initial instead are used to represent them, to protect their privacy. See *People v. Cabalquinto*, G.R. No. 167693, September 19, 2006, 502 SCRA 419

That the accused was able to have sexual intercourse with his victim by employing force, violence and intimidation, more specifically by boxing the victim on her abdomen and poking a knife and inflicting injuries that required hospital confinement for the victim.

That the commission of the offense was augmented by another wrong deliberately resorted to by the accused and that is by forcibly requiring his victim to put his penis inside her mouth.

That the crime was likewise committed with the insult and disregard to the respect due to the offended party who is a 54 year old woman twice as old as the accused and old enough to be his mother.⁴

The Prosecution adduced evidence mainly consisting in the testimonies of AAA, the victim; her neighbor CCC; PO2 Armando dela Cruz; and the two physicians who had attended to AAA at the hospital.

According to AAA, the accused raped her in the afternoon of April 27, 2009 in the house of BBB, her nephew, in Barangay Calayab, Laoag City. BBB had earlier asked AAA to look after his house because he was going somewhere. While she sat on the *papag* (bamboo bed) just outside the kitchen between 3:00 to 4:00 of that afternoon, the accused appeared at the front gate looking for BBB. After answering his query, he said that he wanted to buy cigarettes, but she could not sell any cigarettes to him because she did not have the keys to the store of BBB. With that, the accused appeared to leave. A few moments later on, however, she was startled to find him inside the premises despite the gate being locked. Sensing danger, she tried to get up in order to run inside the kitchen. But she was prevented from getting up because he instantly started punching her in the stomach and on the head. Although she screamed for help, he continued to punch her in the different parts of her body. He drew a knife and pointed it at her stomach, causing her to freeze in fear. He then dragged her into the kitchen and ordered her to take off her shorts. She refused to comply, forcing him to pull down her shorts and underwear himself. He unzipped his pants, brought out his penis, and ordered her to suck it. She refused his order, which prompted him to box her. He again ordered her to suck his penis. Realizing that her life was in danger, she gave in. She was forced to stop doing it because she almost vomited while doing it.⁵

AAA recalled that the accused then pulled her towards the living room where he resumed hitting her. He finally went on top of her and inserted his penis into her vagina. She resisted him, but to no avail. After making push and pull movements, he ejaculated. She felt the sperm between her thighs. Seeing that the rooms were closed, he dragged her towards the door and ordered her to open it. However, she told him that she

⁴ Records, pp. 1-2.

⁵ *Rollo*, p. 4.

did not have the keys. He then used his knife to slice through the screen of the door. At around that time, the telephone rang. She struggled to break free from him because she desperately wanted to answer the call, but he overpowered her and hit her again. He pulled her by the hair and brought her to the toilet where he removed her blouse and bra, by then her only remaining garments. He sat himself on the toilet bowl and made her sit on his lap with her back against his body. She then felt a “hard and hot object” enter her. She tried to move forward but her head bumped into the lavatory and bruised her forehead. A struggle ensued between them when he tried to step out of the comfort room and tried to drag her out. He did not succeed because she quickly locked the door, leaving him outside of the comfort room.⁶

After succeeding in isolating herself from her attacker, AAA heard someone shouting her name. She heard the padlock of gate being broken, and people trying to get inside the house. She heard three to four gunshots. Following her rescue, she was brought to the Mariano Marcos Memorial Hospital in Batac, Ilocos Norte for treatment of her injuries. She was confined there for 15 days.⁷

CCC, a minor neighbor of BBB, corroborated AAA’s account of her ordeal at the hands of the accused. CCC stated that while she was tending to her goats between 3:00 to 4:00 o’clock in the afternoon of April 27, 2009, she heard AAA shouting and the barking of dogs; that she looked towards the direction of the shouts and spotted the accused hitting AAA with his fist outside the kitchen of BBB’s house; that she rushed to the house of her aunt DDD to report the incident; that she joined her aunt and other persons go to BBB’s house; that the policemen also arrived there; that the accused jumped out from the rear of the house, and the policemen pursued him; and that she just went home because she was scared of guns.⁸

Among the policemen who responded to the report received in the afternoon of April 27, 2009 about somebody having entered a house in Barangay Calayab in Laoag City was PO2 Armando dela Cruz. The policemen learned from a *barangay tanod* upon arriving in the place that the attacker of AAA had fled through the rear of the house. Upon spotting the unidentified person, the policemen gave chase and caught up with him. They apprehended him, and he was soon identified to be the accused.⁹

The two physicians who attended to AAA in the hospital were presented as witnesses during the trial. Dr. Alejandro Sotto described the AAA’s bodily injuries other than those found in her genital area. Dr. Maria

⁶ Id. at 5.

⁷ Id.

⁸ Id. at 6.

⁹ Id.

Constancia Celina Cajigal Ferraris testified on the injuries in AAA's genital area. Referring to the Medico-Legal Report, Dr. Sotto declared that AAA had suffered various injuries, such as contusions on her right cheek bone and the neck area, stab wound contusions at her back, minimal acute posterior hemorrhage in her brain, and multiple fractures on her right cheek. On her part, Dr. Ferraris said that AAA had suffered abrasions on her labial folds, urethra and perihymenal area. She opined that trauma, severe infections or scratching could have caused the injuries.¹⁰

For the Defense, only the accused testified. He denied committing the rape, insisting that he had no recollection of what had transpired because of his intoxication. He claimed that he worked in a piggery on April 27, 2009; that he boarded a jeep to go to a party, and arrived at the party between 8:00 and 9:00 o'clock in the morning; that he started drinking early with others; that he continued drinking until 2:00 o'clock in the afternoon except to have lunch; that because his drinking companions just left, he decided to leave and head back to the piggery; that he went to the store in the house of BBB to buy cigarettes, but was unable to buy cigarettes due to an old woman, whom he then identified to be AAA, uttering something that embarrassed him; that her utterance made him hit her several times with his fists in different parts of her body; that he could not recall how long he hit her, recalling only that she eventually fell unconscious from his blows; that he was later on brought to the police station although that he had no idea why he had been arrested; that when confronted in court about his being charged with raping AAA, he replied that he did not know why the rape was being imputed to him; and that when pressed to elaborate, he simply said that he had mentally blacked out from him intoxication, and was unaware of what had transpired.¹¹

The accused assailed the Medico-Legal Report and the findings of Dr. Ferraris as not conclusive evidence of AAA having been sexually abused.¹²

Judgment of the RTC

On January 21, 2010, the RTC rendered its judgment finding the accused guilty of the rape as charged, disposing:

WHEREFORE, accused Danilo Maneja is found GUILTY beyond reasonable doubt of RAPE defined under Article 266-A (par.1) of the Revised Penal Code and is sentenced to *reclusion perpetua* without eligibility for parole. He is ordered to pay the private complainant

¹⁰ Id. at 6-8.

¹¹ Id. at 8.

¹² CA *rollo*, p. 20.

₱75,000.00 as civil indemnity, ₱75,000.00 as moral damages, ₱25,000.00 as exemplary damages, and ₱20,000.00 as attorney's fees. He is further ordered to pay interest on the said amounts at the legal rate of six percent (6%) per annum, from the finality of this Judgment until full payment of the obligation.

SO ORDERED.¹³

Decision of the CA

In his appeal, the accused insisted that the RTC should not have convicted him of the rape as charged despite the failure of the State to prove his guilt beyond reasonable doubt. He argued that no direct evidence was adduced to establish his having raped AAA considering that the medical examinations conducted on her did not support her claim of rape.

On February 17, 2011, the CA affirmed the conviction for rape through its assailed decision,¹⁴ to wit:

WHEREFORE, in view of the foregoing premises, the appeal filed in this case is hereby **DENIED** and, consequently, **DISMISSED** and the judgment of the trial court convicting the accused-appellant Danilo Maneja in Criminal Case No. 14029-14 is **AFFIRMED**.

SO ORDERED.

Issue

The accused makes this further appeal, tendering the lone issue of whether or not the CA erred in affirming the decision of the RTC convicting him of the crime charged despite the Prosecution's failure to prove his guilt beyond reasonable doubt.¹⁵

Ruling

The Court denies the appeal, and affirms, with modification, the decision of the CA.

The evidence adduced against the accused was overwhelming. To start with, AAA survived the ordeal in order to describe the violent acts that he committed against her. Her description was strong and vivid. Secondly, she was corroborated by the minor CCC who, because the latter

¹³ Id. at 31-32.

¹⁴ Supra note 1.

¹⁵ CA rollo, p. 57.

had actually seen him beating AAA with his fists outside the kitchen of BBB's house, rushed to the house of her aunt DDD to report the incident and call for help. And, thirdly, the accused was arrested in the immediate aftermath of the crime, with one of the arresting officers, PO2 dela Cruz, supplying the details. In the face of such overwhelming evidence, the denial by the accused did not overcome his positive identification as the rapist.

The contention of the accused that the findings contained in the medico-legal report contradicted the testimony of AAA is undeserving of serious consideration. The essence of rape is the carnal knowledge of a female either *against her will* (through force or intimidation) or *without her consent* (where the female is deprived of reason or otherwise unconscious, or is under 12 years of age, or is demented).¹⁶ Carnal knowledge of a female simply means a male having bodily connections with a female. As such, the presence or absence of injury or laceration in the genitalia of the victim is not decisive of whether rape has been committed or not.¹⁷ Such injury or laceration is material only if force or intimidation is an element of the rape charged; otherwise, it is merely circumstantial evidence of the commission of the rape. Verily, a medical examination and a medical certificate, albeit corroborative of the commission of rape, are not indispensable to a successful prosecution for rape.¹⁸ The accused may then be convicted solely on the basis of the victim's credible, natural and convincing testimony.¹⁹ It follows that findings in the medical report that are inconsistent with testimony of the victim would not affect the outcome of the case since it is merely corroborative evidence.

In reviewing convictions for rape, the Court is guided by three principles, namely: (1) an accusation of rape can be made with facility, and although the accusation is difficult to prove, it is even more difficult for the person accused, although innocent, to disprove the accusation; (2) considering the intrinsic nature of rape in which only two persons are usually involved, the testimony of the complainant should be scrutinized with great caution; and (3) the evidence for the Prosecution must stand or fall on its own merit, and cannot be allowed to draw strength from the weakness of the evidence for the Defense.²⁰ Accordingly, the primordial consideration in a determination concerning the crime of rape is the credibility of the complainant's testimony.²¹

¹⁶ *People v. Lupac*, G.R. No. 182230, September 19, 2012, 681 SCRA 390; *People v. Taguilid*, G.R. No. 181544, April 11, 2012, 669 SCRA 341, 350; *People v. Butiong*, G.R. No. 168932, October 19, 2011, 659 SCRA 557.

¹⁷ *People v. Aguiluz*, G.R. No. 133480, March 15, 2001, 354 SCRA 465, 471-472; *People v. Gabayron*, G.R. No. 102018, August 21, 1997, 278 SCRA 78, 93.

¹⁸ *People v. Ela*, G.R. No. 172368, December 27, 2007, 541 SCRA 508, 512-513; *People v. Dizon*, G.R. No. 133237, July 11, 2003, 406 SCRA 33, 40; *People v. Callos*, G.R. Nos. 123913-14, October 11, 2001, 367 SCRA 141, 150.

¹⁹ *People v. Ela*, supra, at 513.

²⁰ *People v. Gonzales*, G.R. No. 141599, June 29, 2004, 433 SCRA 102, 108.

²¹ *People v. Dizon*, supra.

The accused sought to hide behind the excuse that he had mentally blacked out during the occasion because of his intoxication. The records show, however, that such excuse lacked factual or legal basis. Instead, his allegation of blacking out as to be unable to recall what he had done to AAA turned his defense into nothing but mere denial, which, being unsubstantiated, was properly discredited by the lower courts.

In criminal law, intoxication of the offender is an alternative circumstance, that is, it may be appreciated as either an aggravating or as a mitigating circumstance depending on the facts of a particular case. Intoxication is a mitigating circumstances when the offender has committed a felony in a state of intoxication, if such intoxication is not habitual or subsequent to the plan to commit the felony. When the intoxication is habitual or intentional, it is an aggravating circumstance.²² Here, there is no showing if the intoxication of the accused at the time of the commission of the rape was habitual, intentional or subsequent to the plan to commit the rape. Thus, the RTC correctly disregarded intoxication because it could not be appreciated either for or against the accused.

Furthermore, the person pleading intoxication must prove that he took such quantity of alcoholic beverage, prior to the commission of the crime, as would blur his reason.²³ Unfortunately, the Defense did not present any evidence to establish the quantity of liquor the accused had imbibed as to have affected his mental faculties enough to cause him to mentally black out. On the other hand, that he managed to recall certain details of what had happened after his drinking spree, such as: (1) his going back to the piggery; (2) his recalling that he had tried to buy cigarettes; (3) his claiming that AAA had supposedly said things to him that had embarrassed or put him to shame; and (4) his hitting AAA with his fist on several parts of her body until she fell unconscious, easily belied his claim of being unable to remember what had transpired due to having too much drink at the party.

Article 266-B of the *Revised Penal Code* prescribes the penalty of *reclusion perpetua* to death whenever the rape is committed with the use of a deadly weapon. The RTC correctly appreciated the use of a deadly weapon as a qualifying circumstance, rendering *reclusion perpetua* to death as the imposable penalty. To determine which of these indivisible penalties would be the appropriate penalty, the attendance of any aggravating and mitigating circumstances was significant. The RTC found to be established the aggravating circumstances of cruelty and insult to or disregard of the age of the victim, but did not appreciate any mitigating circumstance, observing that the alternative circumstance of intoxication could not be

²² Article 15, *Revised Penal Code*.

²³ *People v. Nabong*, G.R. No. 172324, April 3, 2007, 520 SCRA 437, 456.

appreciated in favor of or against the accused. Conformably with Article 63 of the *Revised Penal Code*,²⁴ the presence of the two aggravating circumstances without being offset by any mitigating circumstance warranted the higher penalty of death. However, the RTC did not prescribe the death penalty because of the prohibition of Republic Act No. 9346,²⁵ which prohibited the imposition of the death penalty. Accordingly, the penalty of *reclusion perpetua* without eligibility for parole is affirmed.

The Court further affirms the damages allowed to AAA, except that it must increase the amounts to ₱100,000.00 for the civil indemnity; ₱100,000.00 for moral damages; and ₱100,000.00 for exemplary damages, considering the nature and gravity of the crime.

Article 2230 of the *Civil Code* authorizes the grant of exemplary damages if at least one aggravating circumstance attended the commission of the crime. It did not matter that the aggravating circumstance was a qualifying or attendant circumstance like treachery, for, as the Court has plainly said in *People v. Catubig*:²⁶

The term “aggravating circumstances” used by the Civil Code, the law not having specified otherwise, is to be understood in its broad or generic sense. The commission of an offense has a two-pronged effect, one on the public as it breaches the social order and the other upon the private victim as it causes personal sufferings, each of which is addressed by, respectively, the prescription of heavier punishment for the accused and by an award of additional damages to the victim. The increase of the penalty or a shift to a graver felony underscores the exacerbation of the offense by the attendance of aggravating circumstances, whether ordinary or qualifying, in its commission. Unlike the criminal liability which is basically a State concern, the award of damages, however, is likewise, if not primarily, intended for the offended party who suffers thereby. It would make little sense for an award of exemplary damages to be due the private offended party when

²⁴ Article 63. *Rules for the application of indivisible penalties.* — In all cases in which the law prescribes a single indivisible penalty, it shall be applied by the courts regardless of any mitigating or aggravating circumstances that may have attended the commission of the deed.

In all cases in which the law prescribes a penalty composed of two indivisible penalties, the following rules shall be observed in the application thereof:

1. When in the commission of the deed there is present only one aggravating circumstance, the greater penalty shall be applied.

2. When there are neither mitigating nor aggravating circumstances and there is no aggravating circumstance, the lesser penalty shall be applied.

3. When the commission of the act is attended by some mitigating circumstances and there is no aggravating circumstance, the lesser penalty shall be applied.

4. When both mitigating and aggravating circumstances attended the commission of the act, the court shall reasonably allow them to offset one another in consideration of their number and importance, for the purpose of applying the penalty in accordance with the preceding rules, according to the result of such compensation.

²⁵ *An Act Prohibiting The Imposition of Death Penalty in The Philippines, repealing Republic Act 8177 otherwise known as the Act Designating Death By Lethal Injection, Republic Act 7659 otherwise known as the Death Penalty Law and all other laws, executive orders and decrees.* (The law was signed on June 24, 2006).

²⁶ G.R. No. 137842, August 23, 2001, 363 SCRA 621.

the aggravating circumstance is ordinary but to be withheld when it is qualifying. Withal, the ordinary or qualifying nature of an aggravating circumstance is a distinction that should only be of consequence to the criminal, rather than to the civil, liability of the offender. In fine, relative to the civil aspect of the case, an aggravating circumstance, whether ordinary or qualifying, should entitle the offended party to an award of exemplary damages within the unbridled meaning of Article 2230 of the *Civil Code*.²⁷

Awarding attorney's fees is not usually made in criminal cases. The Court has deleted such awards in some cases for want of legal and factual bases.²⁸ Here, however, the RTC justified the grant of attorney's fees in its decision thuswise:

The award of attorney's fees is also warranted. A private prosecutor handled this case upon the written authorization of the OIC-City Prosecutor of Laoag. He presented all the witnesses for the prosecution and cross-examined the lone defense witness. He represented the prosecution from the preliminary conference up to the last day of trial and presumably even up to this time. In view of the services rendered by the private prosecutor, an award of ₱20,000.00 as attorney's fee is just and reasonable.²⁹

Under the circumstances, the Court approves the grant of attorney's fees, consistent with precedents to that effect.³⁰

Finally, the amounts awarded as civil liability in favor of AAA shall earn interest of 6% *per annum* from the date of the finality of this judgment until full payment.³¹

WHEREFORE, the Court **AFFIRMS** the decision promulgated on February 17, 2011, subject to the modification that the amount of exemplary damages shall be P30,000.00; and that the accused shall pay interest of six percent (6%) *per annum* on all the items of damages, excluding attorney's fees, from the date of the finality of this judgment until fully paid.

The accused shall pay the costs of suit.

²⁷ Id. at 635.

²⁸ See *People v. Garalde*, G.R. No. 173055, April 13, 2007, 521 SCRA 327, 356; *People v. Gomez*, G.R. No. 112074, September 29, 1997, 279 SCRA 688, 697.

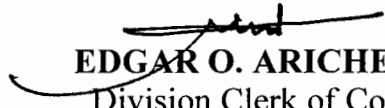
²⁹ *Supra* note 2, at 31.

³⁰ See *People v. Teehankee, Jr.*, G.R. Nos. 111206-208, October 6, 1995, 249 SCRA 54, 121.

³¹ *Sison v. People*, G.R. No. 187229, February 22, 2012, 666 SCRA 645, 667.

SO ORDERED.

Very truly yours,


EDGAR O. ARICHETA
 Division Clerk of Court ^{12-7-1-SC}
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Makati City

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