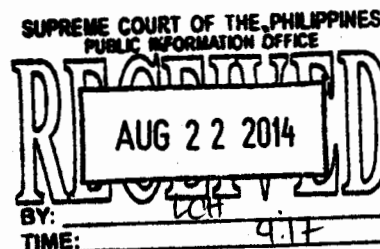




Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION



NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated **June 4, 2014** which reads as follows:*

***“G.R. No. 204890 - PEOPLE OF THE PHILIPPINES, Plaintiff-Appellee, v. FAUSTO DOBLA, Accused-Appellant.*”**

This is an appeal from the April 30, 2012 Decision of the Court of Appeals in CA-G.R. CR.-H.C. No. 04521, affirming with modification the October 24, 2009 Decision of the Regional Trial Court (RTC) of Nueva Ecija, Branch 88, finding accused-appellant Fausto Dobra (Dobra) guilty of rape.

On January 4, 2002, Dobra was charged with the crime of Rape in an Information, the pertinent portion of which reads:

That on or about the 29th day of August, 2001, at 1:30 more or less in the morning, in x x x, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, entered the house of one [AAA¹], and once inside and by means of force and intimidation, willfully, unlawfully and feloniously did lie and succeeded in having carnal knowledge of said [AAA].²

Ruling of the RTC

After trial, the RTC found the prosecution’s evidence to have sufficiently established beyond reasonable doubt the guilt of Dobra in the following series of events: On August 29, 2001, Dobra, along with two other companions, entered the house of AAA, who was then sleeping with her four children. AAA was awakened by the intrusion. Dobra, whose face was uncovered, and his companions, then asked AAA to produce the money her sister sent her from Hong Kong. When AAA told them that it

¹ Under Republic Act No. 9262 also known as “Anti-Violence Against Women and Their Children Act of 2004” and its implementing rules, the real name of the victim and those of her immediate family members are withheld and fictitious initials are instead used to protect the victim’s privacy.

² *Rollo*, p. 3.

was no longer with her, Dobra's companions went to look for the money upstairs. Meanwhile, Dobra, with a gun poked at AAA, started to fondle and suck her breasts. AAA cried and pleaded for mercy but could not do anything more as she was overcome by fear. Dobra then proceeded to remove her undergarments and have carnal knowledge of her in a standing position. Unable to find the money, Dobra and his companions were about to leave when Dobra required AAA to leave with them. AAA acquiesced out of fear for her children's lives. Upon reaching the nearby farm, Dobra again tried to have sexual intercourse with AAA in a standing position, but was not able to have full penetration this time. Dobra and his companions then left, while AAA went back to her house. AAA reported the incident immediately that morning.

The RTC gave no weight to Dobra's defenses of denial, alibi, and imputation of ill motive for being self-serving, unsubstantiated, and too shallow to even be given consideration.

Thus, in a Decision dated October 24, 2009, the RTC sentenced Dobra to suffer the penalty of *reclusion perpetua* and to pay AAA ₱25,000.00 as civil indemnity, ₱25,000.00 as moral damages, and the costs of the suit.

Ruling of the Court of Appeals

On April 30, 2012, the Court of Appeals affirmed the ruling of the RTC, modifying only the damages, by increasing both the civil indemnity and moral damages to ₱50,000.00 each, to be consistent with prevailing jurisprudence.

The Court of Appeals disagreed with Dobra's contention that AAA failed to prove the element of carnal knowledge as she distinguished between the two incidents that night by specifically pointing out that Dobra succeeded to fully penetrate her in the house, but failed to do so in the farm.

The Court of Appeals also found AAA's testimony to be credible and sincere, thus overcoming Dobra's defenses, which the Court of Appeals held to be weak, unavailing, and incredible.

Issue

Dobra is before this Court, insisting that his guilt was not proven beyond reasonable doubt.

Ruling of this Court

This Court finds no reason to reverse the courts *a quo*.

Dobla is seeking this Court for his acquittal primarily on the claim that there was no testimony on the alleged sexual act as AAA did not testify that he was able to penetrate her vagina.

The contention deserves no merit. AAA was clear and unequivocal in her narration of the events that night, and even clarified that when Dobla tried to rape her for the second time that night, he was not able to fully penetrate her. The Court of Appeals sufficiently addressed this issue, and we quote as follows:

In her words, AAA described what [Dobla] did to her inside her house by uttering the words, "he used me and have (*sic*) sex with me." Unlike in her testimony as regards the incident in the field where she said [Dobla] did not have full penetration in his sexual congress with her, AAA, in speaking about the incident inside her house, was certain, unqualified and unequivocal, affirming with conviction that [Dobla] succeeded in having coitus with her. The fact of carnal knowledge is also plain and unmistakable when AAA made the following statements in her *Sinumpaang Salaysay*:

"...inalis po niya ang aking pantalon at inalis niya ang aking panty, inasawa nya po ako ng patayo hanggang sa siya ay makaraos." (he removed my pants and took off my panty, he had sex with me in a standing position until he was able to sexually satisfy himself.)

Contrary to [Dobla]'s pretenses that AAA did not testify on the fact of penile invasion of her private part, her above-quoted statements, in open court and in her sworn statement, are more than eloquent declarations that [Dobla] violated her, successfully had her sexually, and consummated his lecherous desires by having carnal knowledge of her. The allegation of the defense that there was no penetration of the female organ, even to the slightest degree, in the above-described situation runs counter to AAA's assertions to the contrary. If [Dobla]'s organ simply brushed against or merely stroked the external surface of AAA's vagina, she would have particularly said so the way she did with regard to the incident in the field where she expounded that [Dobla] was not able to make a full penetration of her private part.³

As regards Dobla's defenses of denial and alibi, this Court has consistently considered them as among the weakest defenses in criminal prosecution. As such, unless they are substantiated by clear and convincing evidence, they are self-serving assertions that deserve no weight in law and cannot prevail over the positive, candid, and categorical testimony of AAA.⁴

As for the monetary awards, We affirm the award of civil indemnity and moral damages, each in the amount of ₱50,000.00. In addition, We also award exemplary damages in the amount of ₱30,000.00. Exemplary

³ Id. at 7-8.

⁴ *People v. Espinosa*, 476 Phil. 42, 62 (2004).

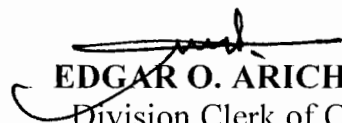
June 4, 2014

damages are also called for, by way of public example, and to protect the young from sexual abuse.⁵ We further subject the indemnity and damages to interest at the rate of 6% *per annum* from the date of finality of this judgment until fully paid, pursuant to prevailing jurisprudence.⁶

WHEREFORE, the decision of the Court of Appeals in **CA-G.R. CR.-H.C. No. 04521** is hereby **AFFIRMED with MODIFICATION**. Accused-appellant FAUSTO DOBLA is found **GUILTY** beyond reasonable doubt of the crime of **RAPE**, and sentenced to *reclusion perpetua*. He is **ORDERED** to pay the victim AAA, Fifty Thousand Pesos (₱50,000.00) as civil indemnity, Fifty Thousand Pesos (₱50,000.00) as moral damages, and Thirty Thousand Pesos (₱30,000.00) as exemplary damages, **ALL** with interest at the rate of 6% *per annum* from the date of finality of this judgment. No costs.

SO ORDERED.”

Very truly yours,


EDGAR O. ARICHETA
 Division Clerk of Court *for*
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The Solicitor General (x)
 Makati City

Court of Appeals (x)
 Manila
 (CA-G.R. CR H.C. No. 04521)

The Director
 Bureau of Corrections
 1770 Muntinlupa City

The Hon. Presiding Judge
 Regional Trial Court, Br. 88
 3133 Baloc, Sto. Domingo, Nueva Ecija
 (Crim. Case No. 509-SD [2002] AF)

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 No. 12-7-1-SC)

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SR

⁵ *People v. Garcia*, G.R. No. 177740, April 5, 2010, 617 SCRA 318, 335.

⁶ *Sison v. People*, G.R. No. 187229, February 22, 2012, 666 SCRA 645, 667.



