



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **02 March 2020** which reads as follows:*

“**G.R. No. 241255** (*People of the Philippines v. XXX*). – After a judicious review of the records, the Court resolves to **DISMISS** the appeal¹ from the February 28, 2018 Decision² of the Court of Appeals (CA) in CA-G.R. CR HC No. 09128 for failure of XXX (accused-appellant) to prove that the CA committed reversible error in affirming the Decision³ dated December 5, 2016 of Branch 09, Regional Trial Court (RTC), ██████, Cagayan finding him guilty of Rape in Criminal Case No. II-11997.

The RTC found accused-appellant liable for Rape. The dispositive portion of the Decision⁴ reads:

WHEREFORE, foregoing premises considered, this Court hereby finds accused XXX guilty beyond reasonable doubt for the crime of Rape as defined and penalized under Article 266-A and Art 266-B of the Revised Penal Code as charged in the Information and he is hereby sentenced to suffer the penalty of reclusion perpetua and to pay the complaining witness the amount of Fifty Thousand Pesos (₱50,000.00) by way of civil indemnity plus another Fifty Thousand Pesos (₱50,000.00) by way of moral damages plus interest of six (6%) percent per annum on each reckoned from the finality of this Decision until full payment and directing him further to pay the cost of suit.

SO DECIDED.⁵

¹ *Rollo*, pp. 17-18.

² *Id.* at 2-16; penned by Associate Justice Ma. Luisa C. Quijano-Padilla with Associate Justices Fernanda Lampas Peralta and Amy C. Lazaro-Javier (now a Member of the Court), concurring.

³ *CA rollo*, pp. 36-47; penned by Presiding Judge Conrado T. Tabaco.

⁴ *Id.*

⁵ *Id.* at 47.

On appeal, the CA affirmed with modifications the Decision⁶ of the RTC. The *fallo* of the CA Decision states:

WHEREFORE, the appeal is DENIED. The December 5, 2016 Decision of the Regional Trial Court, Branch 09, ██████████, Cagayan, in Criminal Case No. II-11997 is hereby AFFIRMED. Accused-appellant XXX is found GUILTY BEYOND REASONABLE DOUBT of the crime of Rape, defined and penalized under Article 266-A of the Revised Penal Code, as amended, and is imposed with the penalty of *reclusion perpetua*. The judgment is MODIFIED as to the awards for civil indemnity and moral damages which are hereby increased to ₱75,000.00 each plus ₱75,000.00 as exemplary damages. He is ORDERED to pay complainant interest at the rate of six percent (6%) *per annum* on all the amounts of damages awarded, commencing from the date of finality of this Decision until fully paid.

SO ORDERED.⁷

Both People of the Philippines (plaintiff-appellee), through the Office of the Solicitor General,⁸ and the accused-appellant⁹ filed their Manifestations¹⁰ stating that they would no longer file supplemental briefs and instead adopt the briefs¹¹ they filed before the CA.

For the Court's resolution is the issue of whether the accused-appellant is guilty beyond reasonable doubt of the crime of Rape.

The appeal lacks merit.

First, the Court gives the highest respect to the trial court's factual findings, its assessment of the witnesses' credibility, the probative weight given to them, as well as the conclusions based on these factual findings. As a rule, when affirmed by the CA, the Court will not reexamine them as these matters are best left to trial courts, which had the opportunity to observe the conduct of the witnesses.¹²

Second, in reviewing cases involving sexual transgressions, we observe the following principles: (1) an accusation of rape can be made

⁶ *Id.* at 36-47; penned by Presiding Judge Conrado T. Tabaco.

⁷ *Rollo*, p. 15.

⁸ *Id.* at 24-25.

⁹ *Id.* at 29-31.

¹⁰ *Id.* at 24-25 and 29-31.

¹¹ *CA rollo*, 19-34 and 65-78.

¹² *People v. Batulan*, G.R. No. 226157, June 19, 2019, citing *People v. Castel*, 593 Phil. 288, 316 (2008).

with facility and while the accusation is difficult to prove, it is even more difficult for the accused, though innocent, to disprove; (2) considering that in the nature of things, only two persons are usually involved in the crime of rape, 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 merits and cannot be allowed to draw strength from the weakness of the evidence for the defense. Given these precepts, the Court is convinced that accused-appellant is guilty beyond reasonable doubt of the crime of Rape.¹³

Finally, as correctly observed by the RTC and the CA, the testimony of private complainant was credible and worthy of belief. Even at her tender age, she had convincingly narrated the events leading to the accused-appellant's abuses and effectively demonstrated how she was violated. On the witness stand, she testified, *viz.*:

Q: And when you were at the bedroom, Madam Witness, what did XXX do?

A: He pulled me to lay down, ma'am.

Q: He pulled you to lay down in the bed, Madam Witness?

A: Yes, ma'am.

Q: And after that, what did he do when you were already laid on the bed?

A: He went on top of me, ma'am.

Q: And when he went on top of you, what did you do if any?

A: I fought, ma'am.

Q: When he was already on top of you, Madam Witness, what transpired next, if any?

A: He inserted his penis into my vagina, ma'am.

x x x x.

Q: And you stated a while ago, Madam Witness, that he inserted his penis into your vagina, is it not?

A: Yes, ma'am.

Q: And did you feel, Madam Witness, that his penis was inside your vagina?

A: Yes, ma'am.

Q: And what did you feel?

¹³ *People v. Pajalla*, G.R. No. 221426, March 25, 2019, citing *People v. Salidaga*, 542 Phil. 295, 301 (2007).

A: Pain, ma'am.

Q: Do you recall for how long was his penis inside your vagina?

A: About one (1) minute, ma'am.

x x x.

Q: Then after he inserted his penis into your vagina, what did he do next?

A: I cannot recall, ma'am.

Q: And Madam Witness, if you will see XXX in court, will you be able to identify him?

A: Yes, ma'am.

Q: Kindly point at him, if he is in court now?

A: (The witness pointed to a person in court wearing orange t-shirt and gave his name XXX)

x x x.¹⁴

Settled is the rule that the testimonies of rape victims who are young and immature, as in the present case, deserve full credence considering that no young woman would concoct a story of defloration, allow an examination of her private parts, and thereafter allow herself to be exposed to a public trial if she was not motivated solely by the desire to obtain justice for the wrong committed against her.¹⁵

In the same vein, accused-appellant's defenses of alibi and denial cannot outweigh the candid and straightforward narration of the private complainant. Between a categorical testimony which has the ring of truth on one hand, and a mere denial and alibi on the other, the former is generally held to prevail.¹⁶

Finally, the modified damages awarded by the CA are in accord with *People v. Jugueta*.¹⁷

WHEREFORE, the appeal is **DISMISSED**. The Decision of the Court of Appeals dated February 28, 2018 in CA-G.R. CR-HC No. 09128 is **AFFIRMED** *in toto*.

¹⁴ *Rollo*. pp. 9-10.

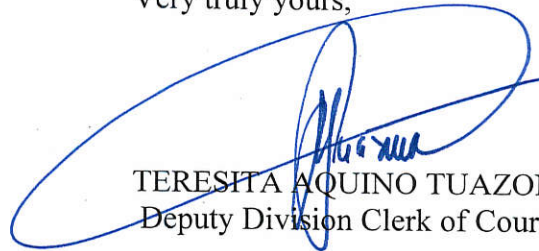
¹⁵ *People v. Pajalla*, *supra* note 13, citing *People v. Santos*, 532 Phil. 752, 762 (2006).

¹⁶ *People v. Dongallo*, G.R. No. 220147, March 27, 2019 citing *People v. Piosang*, 710 Phil. 519, 527 (2013).

¹⁷ 783 Phil. 806 (2016).

SO ORDERED.”

Very truly yours,



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HON. PRESIDING JUDGE (reg)
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