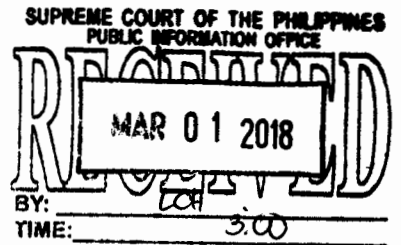




Republic of the Philippines  
**Supreme Court**  
 Manila



**FIRST DIVISION**

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

**G.R. No. 220892**

Present:

SERENO, *Chief Justice,*  
 CARPIO,\*  
 LEONARDO-DE CASTRO,\*\*  
*Acting Chairperson,*  
 DEL CASTILLO, and  
 TIJAM, JJ.

- versus -

**BENEDICT\*\*\* GOMEZ y RAGUNDIAZ,**  
*Accused-Appellant.*

Promulgated:

**FEB 21 2018**

X-----X

**RESOLUTION**

**DEL CASTILLO, J.:**

Before the Court is an appeal on the August 20, 2014 Decision<sup>1</sup> of the Court of Appeals (CA) in CA-G.R. CR-HC No. 05742, which affirmed the July 9, 2012 Decision<sup>2</sup> of the Regional Trial Court (RTC), Branch 225 of Quezon City, finding appellant Benedict Gomez y Ragundiaz (appellant) guilty beyond reasonable doubt of simple rape.

***Factual Antecedents***

In an Information dated January 24, 2007, appellant was charged with rape, defined under Article 266-A of the Revised Penal Code (RPC), as amended by Republic Act No. 8353.<sup>3</sup> The accusatory portion of the Information read:

\* Designated as additional member per October 24, 2017 raffle vice J. Jardeleza who recused due to prior action as Solicitor General.

\*\* Per Special Order No. 2536 dated February 20, 2018.

\*\*\* Benidict in some parts of the records.

<sup>1</sup> CA *rollo*, pp. 88-101; penned by Associate Justice Apolinario D. Bruselas, Jr. and concurred in by Presiding Justice Andres B. Reyes, Jr. (now a Member of the Court), and Samuel H. Gaerlan.

<sup>2</sup> Records, pp. 260-267; penned by Acting Judge Cleto R. Villacorta III.

<sup>3</sup> THE ANTI-RAPE LAW OF 1997.

That on or about the 20<sup>th</sup> day of January 2007, in Quezon City, Philippines, the said accused, by means of force and intimidation, did then and there willfully, unlawfully and feloniously sexually assault one ["AAA,"]<sup>4</sup> a minor, 15 years of age, by then and there inserting his penis into her vagina against her will and without her consent, to the damage and prejudice of the said offended party.

CONTRARY TO LAW.<sup>5</sup>

When arraigned, appellant pleaded "Not Guilty"<sup>6</sup> to the charge against him.

Subsequently, the parties stipulated on the following facts:

1. The [appellant] here present in Court is the same person charged in the Information. – Admitted.
2. Ben[e]dict Gomez [y] Ragundiaz is the real and complete name of the accused. – Admitted.
3. Private complainant [AAA] is a minor, 15 years of age, at the time of the commission of the alleged crime. – Admitted.

x x x x

6. In the evening of January 22, 2007, [appellant] was arrested by Barangay Protection and Security Officers of Brgy. [XXX], Quezon City. – Admitted.
7. The initial investigation was conducted thereafter by the police officers. – Admitted.<sup>7</sup>

After the pre-trial was terminated, trial on the merits ensued.

### ***Version of the Prosecution***

On January 20, 2007, "BBB" invited "AAA" to the birthday party of 

<sup>4</sup> "The identity of the victim or any information which could establish or compromise her identity, as well as those of her immediate family or household members, shall be withheld pursuant to Republic Act No. 7610, An Act Providing for Stronger Deterrence And Special Protection Against Child Abuse, Exploitation And Discrimination, And for Other Purposes; Republic Act No. 9262, An Act Defining Violence Against Women And Their Children, Providing For Protective Measures For Victims, Prescribing Penalties Therefor, And for Other Purposes; and 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." *People v. Dumadag*, 667 Phil. 664, 669 (2011).

<sup>5</sup> Records, p. 1.

<sup>6</sup> Id. at 19-20.

<sup>7</sup> Id. at 28.

their classmate, “CCC”,<sup>8</sup> to be held at “BBB’s” house. At about 3:00 p.m. of the same day, “AAA”, “BBB”, “BBB’s” brothers, Glen and Mark Anthony (Mark), Pinky, Neil Iliw-Iliw (Neil), Abe, Angeline, and Macky were having a drinking session at the nearby house of Pinky.<sup>9</sup>

“AAA” was the one serving liquor to the group but Mark replaced her when she felt dizzy after drinking 10 shots of “Matador.” Mark gave her another glass of liquor which made her lose consciousness. Upon waking up, “AAA” found herself naked with appellant on top of her and his penis inside her vagina. “AAA” pushed appellant twice but to no avail. She realized that, aside from appellant, a guy unknown to her was lying beside her while Neil was standing near the door of the room where she was lying and Ronald Severino (Ronald) even held her hand when she started to struggle upon seeing appellant on top of her. Not too long thereafter, “AAA” again lost consciousness.<sup>10</sup>

When she woke up at about 5:00 a.m. the following day, “AAA” found herself lying outside Neil’s house. Joe, the brother of Neil, was with her. “AAA,” still feeling weak, felt pain in her vagina, which was bleeding. Meanwhile, Joe told her that Mark, Glen, Neil, Ronald, Macky, Dexter, and Talibao had carnal knowledge of her. After learning of these things, “AAA” went to “BBB’s” house to get her (“AAA”) things. Thereat, “BBB” confirmed what Joe relayed to “AAA.”<sup>11</sup>

On January 22, 2007, “AAA” told her mother about what had happened.<sup>12</sup> On January 23, 2007, she submitted herself to a medico-legal examination<sup>13</sup> at the Crime Laboratory at Camp Crame, Quezon City. Such examination revealed “[a]nogenital findings is diagnostic of recent blunt force or penetrating trauma”<sup>14</sup> upon her.

During trial, “AAA” admitted having executed an Affidavit<sup>15</sup> retracting her accusation against appellant. She, however, testified that she only executed it under duress. She explained that she owed money to appellant’s family. Because of this, appellant’s girlfriend and parents forced “AAA” to execute said Affidavit. She added, “*iyong pirma ko daw po iyong*

<sup>8</sup> TSN, May 22, 2008, pp. 3, 5.

<sup>9</sup> TSN, April 3, 2008, pp. 8, 10-11; May 22, 2008, p. 7.

<sup>10</sup> TSN, April 3, 2008, pp. 11-16.

<sup>11</sup> Id. at 16-19.

<sup>12</sup> Id. at 19.

<sup>13</sup> Records, pp. 13, 35.

<sup>14</sup> Id. at 33.

<sup>15</sup> Id. at 138.



*kailangan tapos isulat ko lang daw iyong sasabihin nila.”*<sup>16</sup> Initially, “AAA” refused to abide by the instruction. However, she was told to pay in full her debt of ₱500.00. Because she had no money, and she was also told that she would not be allowed to go home, she was constrained to execute the Affidavit.<sup>17</sup>

### ***Version of the Defense***

Appellant and “AAA” were classmates and former sweethearts. In the afternoon of January 20, 2007, they went to “CCC’s” house for her birthday. Appellant immediately left to change clothes as he was still in his school uniform. He only returned to “CCC’s” house at about 5:30 p.m. of the same day.<sup>18</sup> Upon returning, appellant joined “AAA’s” group, which was having a drinking session. At about 6:00 p.m. of even date, he asked permission to leave and accompany “DDD”. After bringing “DDD” home, appellant also went home.<sup>19</sup>

Appellant denied having carnal knowledge of “AAA.” He also denied that “AAA” was awakened because he was on top of her. He averred that “AAA” was still mad at him because, when they were sweethearts, he had other girlfriends aside from her.<sup>20</sup>

### ***Ruling of the Regional Trial Court***

In its July 9, 2012 Decision, the RTC found appellant guilty as charged, the decretal portion of the Decision reading as follows:

WHEREFORE, accused Benedict Gomez y Ragundiaz is found guilty beyond a reasonable doubt of simple rape as defined under Art. 266-A, The Revised Penal Code. He is sentenced to suffer imprisonment with the duration of *reclusion perpetua* pursuant to Art. 266-B, The Revised Penal Code. He is ordered to pay [“AAA”] ₱50,000.00 as civil indemnity, ₱50,000.00 as moral damages, and ₱30,000.00 as exemplary damages, plus interest of 6% per annum on each of the amounts reckoned from the finality of this Decision, and the costs of suit.

SO ORDERED.<sup>21</sup>



<sup>16</sup> TSN, May 22, 2008, p. 15.

<sup>17</sup> Id. at 24-25.

<sup>18</sup> TSN, June 8, 2011, pp. 3-5, 10.

<sup>19</sup> Id. at 6-7.

<sup>20</sup> Id. at 13.

<sup>21</sup> Records, p. 267.

The RTC held that “AAA” positively identified appellant as the one who raped her. It stressed that “AAA’s” testimony was consistent with her out-of-court statements that she saw appellant on top of her; felt his penis inside her vagina; and, he had sexual intercourse with her.

The RTC decreed that “AAA’s” testimony was clear and untainted, and could only have been given by one who underwent such a harrowing experience. On the other hand, it found appellant’s denial uncorroborated, and his claim that “AAA” was merely angry at him unsubstantiated.

### ***Ruling of the Court of Appeals***

On appeal, the CA affirmed the RTC Decision.

Like the RTC, it gave credence to “AAA’s” positive identification of appellant as the person who raped her. The CA also concurred with the finding of the RTC that appellant was guilty of simple rape and in imposing the penalty of *reclusion perpetua* on appellant considering the absence of any modifying circumstances in this case. It likewise sustained the awards of ₱50,000.00 as civil indemnity, ₱50,000.00 as moral damages, and ₱30,000.00 as exemplary damages, and the imposition of interest at the rate of 6% *per annum* on all damages awarded until the same were fully paid.

Hence, this appeal.

The People of the Philippines, through the Office of the Solicitor-General, and appellant filed their respective Manifestations<sup>22</sup> that they would no longer file their Supplemental Briefs as the briefs filed with the CA thoroughly discussed all the issues in the case.

### **Our Ruling**

The appeal lacks merit.

The CA correctly affirmed the RTC Decision convicting appellant of simple rape. The trial court properly ruled that the prosecution established beyond reasonable doubt that appellant had carnal knowledge of the victim,

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<sup>22</sup> Rollo, pp. 23-31.

“AAA;” and, such act was committed through force or intimidation upon her.<sup>23</sup>

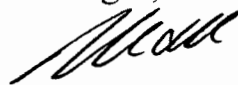
“AAA” clearly testified that when she was awakened on January 20, 2007, she found herself naked and appellant, who was also naked, was on top of her. During that time, appellant’s penis was inside her. “AAA” pushed him twice but to no avail; and, a certain Ronald even held her hands preventing her from moving; and, after a while, she lost consciousness.

Indeed, the straightforward and categorical testimony of “AAA” and her positive identification of appellant proved that the latter had carnal knowledge of “AAA” against her will and without her consent. As such, her testimony must prevail over the uncorroborated and self-serving denial of appellant. Moreover, “AAA’s” credibility is bolstered by her prompt report of the incident to her mother a day after it transpired, and by their immediate action for “AAA” to undergo a medico-legal examination. These matters only proved that “AAA” did not have the luxury of time to fabricate a rape story.<sup>24</sup>

Given these, the Court sees no cogent reason to disturb the uniform findings of the RTC and the CA that appellant was guilty of simple rape and in imposing upon him the penalty of *reclusion perpetua*. Such is the case since there was no showing that the trial court, in assessing the credibility of the witnesses in relation to their testimonies, had overlooked, misapprehended or misconstrued any relevant fact that would affect the outcome of the case.<sup>25</sup>

The Court, however, deems it necessary to modify the awards for civil indemnity, as well as moral and exemplary damages which should be increased to ₱75,000.00 each pursuant to prevailing jurisprudence.<sup>26</sup>

**WHEREFORE**, the appeal is **DISMISSED**. The assailed August 20, 2014 Decision of the Court of Appeals in CA-G.R. CR-HC No. 05742, which affirmed the Decision of the Regional Trial Court, Branch 225 of Quezon City, finding appellant Benedict Gomez y Ragundiaz guilty beyond reasonable doubt of simple rape, is **AFFIRMED with MODIFICATION** in that the awards of civil indemnity, moral damages, and exemplary damages are respectively increased to ₱75,000.00.



<sup>23</sup> *People v. Gunsay*, G.R. No. 223678, July 5, 2017.

<sup>24</sup> *Id.*

<sup>25</sup> *People v. Gabriel*, G.R. No. 213390, March 15, 2017.

<sup>26</sup> *People v. Jugueta*, G.R. No. 202124, April 5, 2016, 788 SCRA 331, 383.

**SO ORDERED.**

  
**MARIANO C. DEL CASTILLO**  
*Associate Justice*

WE CONCUR:

*(On official leave)*  
**MARIA LOURDES P. A. SERENO**  
*Chief Justice*


  
**ANTONIO T. CARPIO**  
*Associate Justice*

  
**TERESITA J. LEONARDO-DE CASTRO**  
*Associate Justice*

*(On official leave)*  
**NOEL GIMENEZ TIJAM**  
*Associate Justice*

**ATTESTATION**

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

  
**TERESITA J. LEONARDO-DE CASTRO**  
*Associate Justice*  
*Acting Chairperson*

**CERTIFICATION**

Pursuant to Section 13, Article VIII of the Constitution and the Division Acting Chairperson's Attestation, I certify that the conclusions in the above Resolution had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



**ANTONIO T. CARPIO**  
*Acting Chief Justice\**



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\* Per Special Order No. 2535 dated February 20, 2018.