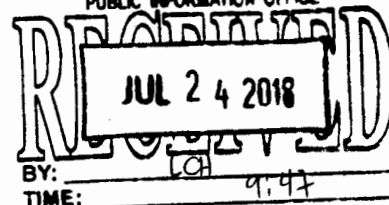




Republic of the Philippines  
Supreme Court  
Manila

SUPREME COURT OF THE PHILIPPINES  
PUBLIC INFORMATION OFFICE



SECOND DIVISION

PEOPLE OF THE PHILIPPINES,  
Plaintiff-Appellee,

G.R. No. 228960

Present:

- versus -

CARPIO, J., Chairperson,  
PERALTA,  
PERLAS-BERNABE,  
CAGUIOA, and  
REYES, JR., JJ.

JUNREL R. VILLALOBOS,  
Accused-Appellant.

Promulgated:

11 JUN 2018

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DECISION

PERALTA, J.:

Assailed in this appeal is the September 29, 2016 Decision<sup>1</sup> of the Court of Appeals (CA) in CA-G.R. CR-HC No. 01316-MIN, which affirmed with modification the April 1, 2014 Decision<sup>2</sup> of the Regional Trial Court, Branch 4, Panabo City (RTC), finding accused-appellant Junrel R. Villalobos (*Villalobos*) guilty beyond reasonable doubt of the crime of Rape committed against AAA.<sup>3</sup>

<sup>1</sup> Penned by Associate Justice Oscar V. Badelles, with Associate Justice Romulo V. Borja and Associate Justice Ronaldo B. Martin, concurring; *rollo* pp. 3-14.

<sup>2</sup> Penned by Judge Dorothy P. Montejo-Gonzaga; CA *rollo* pp. 31-40.

<sup>3</sup> Per this Court's Resolution dated 19 September 2006 in A.M. No. 04-11-09-SC, as well as our ruling in *People v. Cabalquinto* (G.R. No. 167693, 19 September 2006, 502 SCRA 419), pursuant to Republic Act No. 9262 or the "Anti-Violence Against Women and Their Children Act of 2004" and its implementing rules, the real name of the victims and their immediate family members other than the accused are to be withheld and fictitious initials are to be used instead. Likewise, the exact addresses of the victims are to be deleted.

### ***The Facts***

Villalobos was indicted for the crime of Rape, defined and penalized under Article 266-A of the Revised Penal Code in an Information, the accusatory portion of which states:

That on or about June 7, 2008 in the City of Panabo, within the jurisdiction of this Honorable Court, the above-named accused, being armed of a handgun and employing force, threats and intimidation, willfully, unlawfully and feloniously had carnal knowledge or sexual intercourse with AAA, against her will, to the damage and prejudice of the above-named complaining victim.

CONTRARY TO LAW.

Upon arraignment, Villalobos pleaded not guilty to the charge. After pre-trial was terminated, trial on the merits followed.

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

The Office of the Solicitor General narrates the factual version of the prosecution as follows:

At around 8:30 p.m. of 7 June 2008, private complainant AAA was sleeping in her room together with her two minor children, aged two and four. Somebody then entered the room and held AAA's right leg which awakened her. The intruder, whose face was covered such that his eyes were the only ones visible, lifted the mosquito net and pointed a gun at AAA while covering her mouth. AAA asked "Who are you?" and the intruder replied "Wake up because we will go outside?"

At gun point, AAA followed the intruder. AAA then recognized the voice of the intruder to be that of the accused-appellant as he frequently visited her cousin Joel.

Accused-appellant brought AAA to a *nipa* hut located along a road about 50 meters away from AAA's house. Accused-appellant ordered AAA to remove her dress. She refused and answered "no." Accused-appellant then put down the gun, removed his short pants and thereafter undressed AAA and sucked her breast. Thereafter, he touched and rubbed AAA's vagina and ordered her to lie down while he inserted his penis into her vagina.

Not contented, accused-appellant then ordered AAA to suck his penis. After thirty minutes, he lifted her buttocks and inserted his penis into her anus for another half hour. AAA begged accused-appellant to stop



because it was already painful, but accused-appellant ignored AAA's pleas. He continued to make a push and pull movement. Accused-appellant again rubbed her vagina after he put saliva on his hands. AAA was made to suck accused-appellant's penis for over another half an hour.

Although the *nipa* hut was not lighted, AAA saw and recognized the face of the accused-appellant in the moonlight. Also, accused-appellant by then had already removed the t-shirt he used to cover his face. AAA was not able to shout because accused-appellant pointed the gun at her and warned her to keep silent. AAA cried silently.

A "multicab" later approached the direction of the *nipa* hut and the vehicle's light passed through the *nipa* hut. This gave AAA a chance to run away. As she was running towards her house, AAA thought of hiding behind a tree for fear that the accused might be following her. However, she fell into a ditch. AAA had no short pants and only had her shirt on. She cried hard upon reaching her house and reported the incident to her mother.

AAA reported the incident to the police on the following day, 8 June 2008, at about 8:30 in the morning. She also went to a doctor for medical examination.

Police Officer (PO3) Rommel Gumtang, who was assigned at the Panabo City Police Station, testified that he met AAA when she asked that accused-appellant be arrested. At a store near Peda St., Purok 6, San Francisco, Panabo City, AAA pointed to the accused-appellant, who, the police immediately arrested.

Dr. Philip Nolan Demaala conducted the medical examination of AAA. He testified and reported that AAA experienced sexual intercourse or penile penetration. He also found that AAA suffered contusion around her neck and chest.<sup>4</sup>

### *Version of the Defense*

Villalobos, on the other hand, relates his version of the facts in this manner:

Appellant claimed that he and AAA were neighbors for three or four years. Since he and AAA's husband were friends, there were occasions in the past that he visited AAA's house. But he stopped his visits when AAA's husband left for Manila to work.

Appellant denied having sexual intercourse with AAA in the evening of 7 June 2008, as he was already sleeping in his house at the time of the alleged incident. When he woke up the following day (8 June 2008), a certain Joel Baghucan, AAA's cousin, called him while he was fetching water. Joel invited him for a drink. Appellant accepted the invitation, and he and Joel Baghucan drank in the latter's house.

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<sup>4</sup> CA rollo, pp. 61-63.

While they were drinking, Joel told the appellant that according to AAA, appellant allegedly raped her. Appellant ignored Joel's remark because he got used to the latter's jokes. But a while later, he saw police officers going to the house of AAA. Not long after, AAA arrived and pointed to him. Thereafter, the police officers arrested him and detained him at the police station.

While appellant was on detention, a person visited him with the message that AAA would withdraw the case if he will give the person the amount of P30,000.00. According to appellant, he remembered the person as the one who placed his arm around the shoulders of AAA when he met the latter before the alleged incident. Thus, he believes that the present case was filed to harass and extort money from him.

Appellant's younger sister, Elmie Joy Villalobos, confirmed his testimony. Specifically, Elmie Joy Villalobos claimed that her family, including the appellant, ate their dinner together at 6:30 in the evening of 7 June 2008. After their dinner, appellant went to sleep while Elmie Joy Villalobos watched television until 11:00 o'clock in the evening. During that entire time, appellant was sleeping in his room. She also confirmed regarding appellant's testimony that a person went to him to ask for P30,000.00 in exchange for the withdrawal of the case.

Robson Villalobos, elder brother of the appellant, also corroborated the latter's testimony. He claimed that he went to sleep at 7:30 in the evening of 7 June 2008 in the same room where appellant was sleeping. Robson knows that appellant remained sleeping in the room because when he woke up at 10:00 in the evening to dress for work, appellant was still on his bed. Also, Robson's bed was positioned barring the door, thus, appellant could not leave the room without his knowledge.<sup>5</sup>

### ***The RTC Ruling***

In its Decision dated April 1, 2014, the RTC found Villalobos guilty as charged. The RTC held that the prosecution was able to establish with certitude that Villalobos had carnal knowledge of AAA through force and intimidation, and such fact was established through the clear and convincing testimony of the said victim who has no motive to falsely testify against Villalobos. The trial court noted that AAA's claim of the rape incident was amply corroborated by the medical report which showed that AAA sustained contusions and fresh hymenal lacerations suggestive of previous penetration. It rejected the twin defenses of denial and alibi interposed by Villalobos declaring the same to be unconvincing and self-serving negative evidence which could not prevail over the positive identification of him by AAA as the culprit to the dastardly deed. The RTC likewise ruled out appellant's defense of extortion for want of sufficient and competent proof. The dispositive portion of the said decision reads:

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<sup>5</sup> *Id.* at 19-20.



WHEREFORE, with the foregoing, the accused is hereby found GUILTY beyond reasonable doubt of the felony of rape and is sentenced to suffer the penalty of *reclusion perpetua* without eligibility for parole. He is further ordered to pay the victim the amounts of Fifty Thousand Pesos (P50,000.00) as civil indemnity, Fifty Thousand Pesos (P50,000.00) as moral damages, Thirty Thousand Pesos (P30,000.00) as exemplary damages, and interest on all damages at the rate of six percent (6%) per annum from the finality of the judgment until fully paid.

Accordingly, the accused shall be committed to the Davao Penal Colony for the service of his sentence thereat.


SO ORDERED.<sup>6</sup>

Not in conformity, Villalobos appealed the April 1, 2014 RTC Decision before the CA.

### *The CA Ruling*

On September 29, 2016, the CA rendered its assailed Decision affirming the conviction of Villalobos for Rape. The appellate court declared that the credible testimony of AAA was sufficient to sustain Villalobos' conviction for the crime charged. It debunked appellant's denial and alibi declaring that the same were not satisfactorily established and not at all persuasive when pitted against the positive and convincing identification by the victim. According to the CA, Villalobos' claim that he was in his room sleeping at the time AAA was raped, did not preclude the possibility of his presence at the place of the crime at the time of its commission considering that he lived 300 meters away from AAA. It increased the amounts awarded for moral damages and exemplary damages to ₱75,000.00 each in consonance with the prevailing jurisprudence. The CA likewise determined that AAA is entitled to the award of ₱75,000.00 by way of civil indemnity, the *fallo* of which reads:

WHEREFORE, premises considered, the instant appeal is DISMISSED. The Decision dated April 1, 2014 of the Regional Trial Court, 11<sup>th</sup> Judicial Region, Branch 4, Panabo City, in Crim. Case No. 201-2008, finding accused-appellant Junrel R. Villalobos, guilty beyond reasonable doubt for rape is AFFIRMED with MODIFICATION. Junrel R. Villalobos is ORDERED to PAY AAA the amounts of ₱75,000 as civil indemnity, ₱75,000.00 as moral damages, and P75,000.00 as exemplary damages. Further, six percent interest (6%) *per annum* is imposed on all the amounts awarded reckoned from the date of finality of this judgment until the damages are fully paid.



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<sup>6</sup> *Id.* at 40.

SO ORDERED.<sup>7</sup>

### *The Issues*

Unfazed, Villalobos filed the present appeal and posited the same issues he previously raised before the CA, to wit:

1. Whether the evidence for the prosecution established beyond reasonable doubt that voluntariness on the part of the offended party, during the alleged rape, was absolutely wanting.
2. Whether the trial court failed to appreciate substantial facts and circumstances to cast doubt on the credibility of the private complainant.<sup>8</sup>

In the Resolution<sup>9</sup> dated March 1, 2017, the Court directed both parties to submit their supplemental briefs, if they so desire. On April 17, 2017, the Office of the Solicitor General filed its Manifestation (Re: In Lieu of Supplemental Brief)<sup>10</sup> stating that it will no longer file a supplemental brief as its Appellee's Brief had sufficiently ventilated the issues raised. On April 19, 2017, Villalobos filed a Manifestation In Lieu of Supplemental Brief<sup>11</sup> averring that he would adopt all his arguments in his Appellant's Brief filed before the CA.

Essentially, accused-appellant argues that the RTC erred in giving credence to the testimony of AAA and claims that the prosecution evidence failed to overcome his constitutional presumption of innocence. Villalobos submits that a reading of AAA's narration of the events leading to the alleged rape would reveal that the coitus was actually committed with her acquiescence because: (1) there was no testimony that she objected or offered even a small amount of resistance to the sexual advances; (2) she did not shout for help or escape from the perpetrator despite the opportunity to do so; and (3) the alleged coitus lasted for more than 90 minutes. Villalobos further submits that doubt exists on AAA's identification of the culprit because the place was not illuminated, except for the bleak moonlight. He clarifies that he is not abandoning his defense of denial but intends only to highlight the improbabilities in AAA's testimony which tends to cast serious doubt on the veracity of her charge.

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<sup>7</sup> *Rollo*, p. 13.

<sup>8</sup> *CA rollo*, p. 20.

<sup>9</sup> *Rollo* pp. 20-21.

<sup>10</sup> *Id.* at 26-28.

<sup>11</sup> *Id.* at 30-31.



Lastly, Villalobos asserts that Judge Dorothy P. Montejo-Gonzaga (*Judge Montejo-Gonzaga*), the RTC judge who wrote the April 1, 2014 decision, was not the judge who observed first-hand private complainant AAA when she testified during direct and cross-examinations. The presiding judge of the RTC, Branch 4, Panabo City who heard the testimony of AAA then was Judge Virginia Hofileña-Europa. He argues that since Judge Montejo-Gonzaga did not have the opportunity to observe AAA's demeanor and deportment on the witness stand, said judge could not have discerned and gauged if private complainant was telling the truth, which further resulted in the failure of the RTC to properly appreciate his defenses and contentions.

### ***The Court's Ruling***

The appeal is barren of merit.

Preliminarily, the fact alone that the judge who heard the evidence was not the one who rendered the judgment, but merely relied on the record of the case, does not render his judgment erroneous or irregular. This is so even if the judge did not have the fullest opportunity to weigh the testimonies, not having heard all the witnesses speak or observed their deportment and manner of testifying.<sup>12</sup> Hence, the Court generally will not find any misapprehension of facts as it can be fairly assumed under the principle of regularity of performance of duties of public officers that the transcripts of stenographic notes were thoroughly scrutinized and evaluated by the judge himself.<sup>13</sup>

Thus, albeit Judge Montejo-Gonzaga was not the judge who heard the testimony of AAA, the same would not pose sufficient justification to overturn the findings of fact of the RTC on the credibility of the said private complainant. Ideally, the judge who will write the judgment should be the same judge who had earlier heard all the testimonies of the witnesses personally. However, there are instances when a different judge might pen the decision because the predecessor judge has retired, died or has been reassigned. In such situations, it is not correct to say that the findings of fact of the judge who took over the case are not reliable and do not deserve the respect of the appellate courts. The judge who was not present during the trial can always rely on the transcript of stenographic notes taken during the trial as basis of his decision. Said reliance does not violate substantive and procedural due process of law.<sup>14</sup> To rule otherwise would create an absurd situation wherein, every time the judge who, wholly or partly, heard a case

<sup>12</sup> *Lumanog, et al. v. People*, 644 Phil. 296, 395 (2010).

<sup>13</sup> *Agdeppa v. Honorable Office of the Ombudsman*, 734 Phil. 1, 46 (2014).

<sup>14</sup> *People v. Hapa*, 413 Phil. 679, 695 (2001).



dies or leaves the service, such case cannot be decided and a new trial will have to be conducted for the taking anew of the testimonies of the witnesses by the successor judge. This should not be so.

Surely, the correctness and efficacy of a decision is not necessarily impaired by the fact that its writer only took over from a colleague who had earlier presided at the trial, unless there is showing of grave abuse of discretion in the factual findings reached by him.<sup>15</sup> The other reason for disregarding the findings of fact of the trial court is when there is a manifest indication that the trial court overlooked, misunderstood or misapplied some facts or circumstances of weight and substance which could have altered the conviction of the accused.<sup>16</sup> In the case at bench, no such reasons exist for us to set aside the findings of fact of Judge Montejo-Gonzaga.

In rape cases, the conviction of the accused rests heavily on the credibility of the victim. Here, the trial court found AAA's testimony to be credible as it was made in a "candid and straightforward manner," "coupled with her occasional crying while relaying her story."<sup>17</sup> Notably, the CA agreed with the RTC on this point and saw no reason to overturn the same. After approximating the perspective of the trial court thru a meticulous scrutiny of the records, the Court likewise finds no justification to disturb the findings of the RTC. Despite his vigorous protestations, the Court agrees with the findings of the courts *a quo* that the prosecution was able to prove beyond reasonable doubt that Villalobos raped AAA on that fateful night of June 7, 2008.

The trial court's reliance on the victim's testimony is apt, considering that it was credible in itself and buttressed by the testimony of the medico-legal officer. AAA narrated in the painstaking and well-nigh degrading public trial her unfortunate and painful ordeal in a logical manner. Without hesitation, AAA pointed an accusing finger against Villalobos as the person who ravished and sexually molested her on the night of June 7, 2008. She credibly recounted how Villalobos, at gunpoint, ordered her to leave her room, where her two minor children, ages two and four, were then sleeping, and brought her to a *nipa* hut which is 50 meters from her house; that Villalobos ordered her to remove her dress but she refused; that Villalobos undressed her, sucked her breast and inserted his penis into her vagina; that still unsatisfied, Villalobos made her suck his penis for almost half an hour, then inserted his penis into her anus and made a push-and-pull movement for another half an hour; that she begged Villalobos to stop the sexual assault because it was already painful, but the latter simply ignored her pleas; that thereafter, Villalobos made her suck his penis again for half an hour; and that when

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<sup>15</sup> *People v. Sansaet*, 426 Phil. 826, 833 (2002).

<sup>16</sup> *People v. Buayaban*, 448 Phil. 57, 68 (2003).

<sup>17</sup> *CA rollo*, p. 38.



Villalobos was distracted by the light that passed through the *nipa* hut coming from a vehicle, she immediately fled from the hut.

AAA was not able to shout because Villalobos' handgun was pointed at her which, later on, was placed close by him. Villalobos threatened to shoot her if she would make a sound while he consummated his carnal knowledge of her. She just cried silently. Thus, we are convinced that Villalobos had employed intimidation to subjugate AAA's will and break her resistance down. AAA's statements pertaining to the identity of Villalobos as her violator and the perverse acts he visited upon her were straightforward and categorical. Hailed to the witness stand, AAA never wavered neither did her statements vacillate between uncertainty and certitude.

In addition, AAA's testimony was corroborated by the medical findings of Dr. Philip Nolan Demaala (*Dr. Demaala*). Dr. Demaala testified that when he conducted a physical examination on AAA, he noted that the latter sustained a contusion between her neck and chest as well as redness in her *labia minora* and near the area where the urine comes out. According to Dr. Demaala, such medical findings confirmed penile penetration on AAA. It has been said that when the testimony of a rape victim is consistent with the medical findings, sufficient basis exists to warrant a conclusion that the essential requisite of carnal knowledge has thereby been established.<sup>18</sup> Hence, such testimony of Dr. Demaala strengthens even more the claim of rape by AAA against Villalobos.

The credibility of a rape victim is enhanced when, as in the case at bench, she has no motive to testify against the accused or where there is absolutely no evidence which even remotely suggests that she could have been actuated by such motive. Further, the fact that AAA resolved to face the ordeal and relate in public what she suffered evinces that she did so to obtain justice. Her willingness and courage to face the authorities as well as to submit to medical examination, are mute but eloquent confirmation of her sincere resolve to vindicate the outrageous wrong done to her person, honor and dignity. AAA's natural interest in securing the conviction of the perpetrator would strongly deter her from implicating a person other than the real culprit. We are thus convincingly assured that the RTC prudently fulfilled its obligation as a factual assessor and legal adjudicator.

Next, Villalobos posits that it was improbable for AAA to see and identify the perpetrator of the rape because it was dark in the place where the alleged rape incident happened. The defense concludes that the prosecution failed to establish with moral certainty the identity of the perpetrator as that of Villalobos. The contention is untenable.

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<sup>18</sup> *People v. Tormis*, 595 Phil. 589, 603 (2008).



Proving the identity of the accused as the malefactor is the prosecution's primary responsibility. Indeed, the first duty of the prosecution is not to prove the crime but to prove the identity of the perpetrator, for even if the commission of the crime can be established, there can be no conviction without proof of identity of the culprit beyond reasonable doubt.<sup>19</sup> In the case at bench, the prosecution's evidence on the identity of Villalobos as the offender is clear and unmistakable.

While Villalobos attempted to hide his identity by covering his face with a shirt in the blackness of the night, his identity has been revealed and the darkness that is his cover has been dispelled by the credible testimony of AAA that, while it was indeed dark in the place where the rape incident took place, there was, however, adequate moonlight which illuminated the area. Thus, she was able to take a good look at and remember the face of Villalobos, who then had already removed the shirt covering his face, as her ravisher. These details make her testimony and positive identification of Villalobos more reliable.

Visibility is indeed a vital factor in determining whether an eyewitness could have identified the perpetrator of a crime.<sup>20</sup> It is settled that when conditions of visibility are favorable, and when the witness does not appear to be biased, her assertion as to the identity of the malefactor should normally be accepted.<sup>21</sup> In proper situations, illumination produced by a kerosene or wick lamp, a flashlight, even moonlight or starlight may be considered sufficient to allow identification of persons.<sup>22</sup> Under such circumstance, any attack on the credibility of witnesses, based solely on the ground of insufficiency or absence of illumination, becomes unmeritorious.<sup>23</sup>

To be sure, AAA had an unobstructed view of Villalobos because of their proximity with each other at the time of the incident. Given her familiarity with the voice and face of Villalobos being her neighbor and a frequent visitor of his cousin Joel, as well as the illumination provided by the moonlight on the evening of June 7, 2008, eliminated any possibility of mistaken identification. Moreover, experience suggests that it is precisely because of the unusual acts of violence committed right before their eyes that witnesses can remember the identities of criminals with a high degree of reliability at any given time.<sup>24</sup> All throughout her testimony, AAA never faltered about the identity of appellant Villalobos and his commission of the felonious *coitus*.

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<sup>19</sup> *People v. Espera*, 718 Phil. 680, 694 (2013).

<sup>20</sup> *People v. Ramirez*, 409 Phil. 238, 250 (2001).

<sup>21</sup> *People v. Cogonon*, 331 Phil. 208, 219 (1996).

<sup>22</sup> *People v. Licayan*, 428 Phil. 332, 344 (2002).

<sup>23</sup> *People v. Biñas*, 377 Phil. 862, 897 (1999).

<sup>24</sup> *People v. Porras*, 413 Phil. 563, 587 (2001).



Villalobos contends that AAA's testimony was neither credible nor consistent with human nature as she could have easily shouted and asked for help had she wanted to during and immediately after the alleged rape incident, but she failed to do so. The argument is specious.

The failure to shout or offer tenacious resistance cannot be construed as a voluntary submission to culprit's desires.<sup>25</sup> Also, failure of the victim to shout for help does not negate rape.<sup>26</sup> It is enough if the prosecution had proven that force or intimidation concurred in the commission of the crime as in this case. The law does not impose upon a rape victim the burden of proving resistance.<sup>27</sup> Besides, physical resistance need not be established in rape when intimidation is exercised upon the victim and the latter submits herself against her will to the rapist's advances because of fear for her life and personal safety.<sup>28</sup> In any event, the workings of the human mind placed under emotional stress are unpredictable such that different people react differently to a given situation or type of situation and there is no standard form of behavioral response when one is confronted with a strange or startling or frightful experience.<sup>29</sup> In the case at bench, it was established that AAA was cowed into silence and gave in to the vile desires of Villalobos for fear that said appellant would make good his threat to shoot her with the handgun he pointed against her, which he later placed close by him. At any rate, this is a trivial matter which does not go into the "why's" and "wherefore's" of the crime.

In his last-ditch effort to secure for an acquittal, Villalobos tries to interject reasonable doubt by pointing out that the duration of the alleged rape which lasted for more than 90 minutes was indicative of consensual sexual intercourse between him and AAA. His attempt is futile.

To begin with, there is no evidence on record that AAA had an extramarital affair with Villalobos nor was there any proof that she was attracted to him enough to consent and willingly give in to the bestial desires of the latter. In any event, the precise duration or exact length of time of the commission of rape is not an essential element of the felony. Besides, case law shows numerous instances of rape committed under indirect and audacious circumstances because the lust of a lecherous man respects neither time nor place.<sup>30</sup> In *People v. Diaz*,<sup>31</sup> the Court elucidates that the testimony of the private complainant to the effect that the rape occurred for a rather long time would not diminish her credibility, thus:

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<sup>25</sup> *People v. Talaboc*, 326 Phil. 451, 461 (1996).

<sup>26</sup> *People v. Barcelona*, 382 Phil. 46, 54 (2000).

<sup>27</sup> *People v. Dusohan*, 297 Phil. 1020, 1024 (1993).

<sup>28</sup> *People v. Besmonte*, 735 Phil. 234, 251 (2014).

<sup>29</sup> *People v. Silvano*, G.R. No. 127356, June 29, 1999.

<sup>30</sup> *People v. Jastiva*, 726 Phil. 607, 634 (2014).

<sup>31</sup> 711 Phil. 227 (2013).



We also affirm the finding of the Court of Appeals that Mara's credibility was not eroded by her testimony that the accused-appellant tarried for two hours in her room. The Court of Appeals said it well: when one is being raped, forcibly held, weak and in great pain, and in shock, she cannot be reasonably expected to keep a precise track of the passage of time down to the last minute. Indeed, for a woman undergoing the ordeal that Mara underwent in the hands of the accused-appellant, every moment is like an eternity of hell and the transit of time is a painfully slow crawl that she would rather forget. In addition, the precise duration of the rape is not material to and does not negate the commission of the felony. Rape has no regard for time and place. It has been committed in all manner of situations and in circumstances thought to be inconceivable.<sup>32</sup>

Villalobos' denial must be rejected as the same could not prevail over AAA's unwavering testimony and of her positive and firm identification of him as the perpetrator. As negative evidence, it pales in comparison with a positive testimony that asserts the commission of a crime and the identification of the accused as its culprit.<sup>33</sup> We find that the facts in the instant case do not present any exceptional circumstance warranting a deviation from this established rule.

The defense of alibi is likewise unavailing. In order that alibi might prosper, it is not enough to prove that the accused has been somewhere else during the commission of the crime; it must also be shown that it would have been impossible for him to be anywhere within the vicinity of the crime scene.<sup>34</sup> Villalobos failed to do so. Worse, he admitted during trial that his house is just 300 meters away from AAA's house, which thus effectively negates the physical impossibility of him committing the crime against AAA on the night of June 7, 2008. The fact that Villalobos presented his sister, Elmie Joy Villalobos, and brother, Robson Villalobos, to corroborate his alibi, is of no moment. When the defense witness is a relative of an accused whose defense is alibi, courts have more reason to view such testimony with skepticism due to the very nature of alibi the witness affirms.<sup>35</sup> An accused can easily fabricate an alibi and ask his relatives and friends to corroborate it.<sup>36</sup> Given the positive identification by AAA of Villalobos as the culprit, and the lack of physical impossibility for said appellant to be at the scene of the crime at the time of its commission, his defenses of denial and alibi crumble like a sand fortress. Villalobos' defense of extortion must likewise fail considering that the same was not substantiated by competent and independent evidence.

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<sup>32</sup> *People v. Diaz, supra*, at 237. (Underscoring ours).

<sup>33</sup> *People v. Canares*, 599 Phil. 60, 76 (2009).

<sup>34</sup> *People v. Abella*, 624 Phil. 18, 36 (2010).

<sup>35</sup> *People v. Sumalinog, Jr.*, 466 Phil. 637, 650-651 (2004).

<sup>36</sup> *People v. Torres*, 743 Phil. 552, 567 (2014).



Having ascertained the guilt of Villalobos for the crime of Rape beyond reasonable doubt, the Court shall now proceed to the determination of the proper penalty.

Whenever the crime of rape is committed with the use of a deadly weapon, the penalty shall be *reclusion perpetua* to death as provided under Article 266-B of the Revised Penal Code. The prosecution was able to sufficiently allege in the Information and establish during trial that a handgun was used in the commission of rape. Considering that no aggravating or mitigating circumstance attended the commission of the crime, the lesser penalty of *reclusion perpetua* is the proper imposable penalty. However, the RTC, in its decision, added the qualification of “without eligibility for parole” to describe or qualify *reclusion perpetua*, and this was affirmed by the CA. In light of the attendant circumstances in the case at bench, there is no more need to append the phrase “without eligibility for parole” to Villalobos’ prison term in line with the instructions given by the Court in A.M. No. 15-08-02-SC.<sup>37</sup> Therefore, the dispositive portion of this decision should simply state that Villalobos is sentenced to suffer the penalty of *reclusion perpetua* without any qualification.

Coming now to the pecuniary liabilities, the Court finds that the CA is correct in awarding ₱75,000.00 each for civil indemnity, moral damages and exemplary damages being consistent with our pronouncement in *People v. Jugueta*.<sup>38</sup> Further, six percent (6%) interest *per annum* shall be imposed on all damages awarded to be reckoned from the date of the finality of this judgment until fully paid.<sup>39</sup>

**WHEREFORE**, the appeal is **DISMISSED**. The Decision of the Court of Appeals dated September 29, 2016 in CA-G.R. CR-HC No. 01316-MIN is hereby **AFFIRMED** with **MODIFICATION**. Accused-appellant Junrel R. Villalobos is found **GUILTY** beyond reasonable doubt of the crime of Rape and is sentenced to suffer the penalty of *Reclusion Perpetua*. He is **ORDERED** to **PAY** the victim AAA the amounts of ₱75,000.00 as civil

<sup>37</sup> Section II of A.M. No. 15-08-02-SC (Guidelines for the Proper Use of the Phrase “Without Eligibility for Parole” in Indivisible Penalties) states:

x x x x

II.

In these lights, the following guidelines shall be observed in the imposition of penalties and in the use of the phrase “*without eligibility for parole*”:

- (1) In cases where the death penalty is not warranted, there is no need to use the phrase “without eligibility for parole” to qualify the penalty of *reclusion perpetua*; it is understood that convicted persons penalized with an indivisible penalty are not eligible for parole; and
- (2) When circumstances are present warranting the imposition of the death penalty, but this penalty is not imposed because of R.A. 9346, the qualification of “without eligibility for parole” shall be used to qualify *reclusion perpetua* in order to emphasize that the accused should have been sentenced to suffer the death penalty had it not been for R.A. No. 9346.

<sup>38</sup> 783 Phil. 806 (2016).

<sup>39</sup> *People v. Romobio*, G.R. No. 227705, October 11, 2017.

indemnity, ₱75,000.00 as moral damages and ₱75,000.00 by way of exemplary damages.

Accused-appellant is also **ORDERED** to **PAY** interest at the rate of six percent (6%) *per annum* from the time of finality of this Decision until fully paid, to be imposed on the civil indemnity, moral damages and exemplary damages.

**SO ORDERED.**



**DIOSDADO M. PERALTA**  
Associate Justice

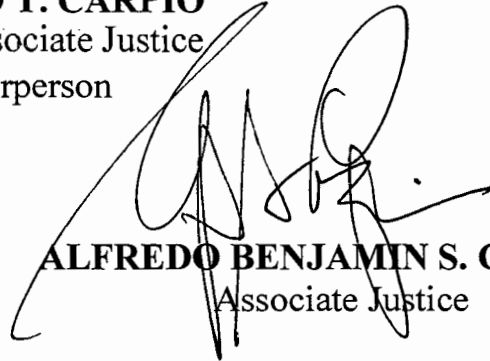
**WE CONCUR:**



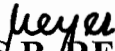
**ANTONIO T. CARPIO**  
Senior Associate Justice  
Chairperson



**ESTELA M. PERLAS-BERNABE**  
Associate Justice



**ALFREDO BENJAMIN S. CAGUIOA**  
Associate Justice



**ANDRES B. REYES, JR.**  
Associate Justice

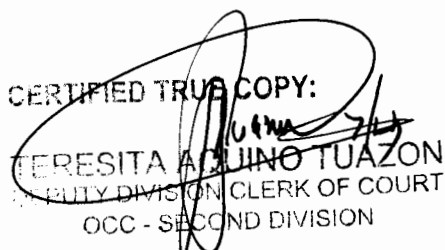
**CERTIFICATION**

Pursuant to Section 13, Article VIII of the Constitution, 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.



**ANTONIO T. CARPIO**  
Senior Associate Justice  
(Per Section 12, Republic Act  
No. 296, The Judiciary Act of  
1948, as amended)

CERTIFIED TRUE COPY:



**TERESITA AQUINO TUAZON**  
DEPUTY DIVISION CLERK OF COURT  
OCC - SECOND DIVISION