



Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff-Appellee,

G.R. No. 234951

Present:

PERALTA, J., Chairperson,
LEONEN,
REYES, A., JR.,
HERNANDO, and
CARANDANG,* JJ.

- versus -

BENJAMIN A. ELIMANCIL,
Accused-Appellant.

Promulgated:

January 28, 2019

Mis. DC Bell

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DECISION

PERALTA, J.:

This is to resolve the appeal of appellant Benjamin A. Elimancil that seeks to reverse and set aside the Decision¹ dated July 14, 2017 of the Court of Appeals (CA) in CA-G.R. CR-HC No. 07588, affirming the Decision² dated May 20, 2015 of the Regional Trial Court (RTC), Branch 4, Mariveles, Bataan, finding appellant guilty beyond reasonable doubt of Simple Rape under Article 266-A, par. 1 of the Revised Penal Code (RPC).

The facts follow.

AAA,³ the victim, was alone inside her boarding house in Mariveles, Bataan on the night of August 14, 2000 because her board-mate, Agnes

* Designated Additional Member per Special Order No. 2624 dated November 28, 2018.

¹ Penned by Associate Justice Eduardo B. Peralta, Jr., with the concurrence of Associate Justices Remedios A. Salazar-Fernando and Mario V. Lopez; *rollo*, pp. 2-9.

² Penned by Presiding Judge Emmanuel A. Silva; *CA rollo*, pp. 23-31.

³ Pursuant to R.A. No. 7610, "An Act Providing for Stronger Deterrence and Special Protection against Child Abuse, Exploitation and Discrimination, and for Other Purposes;" R.A. No. 9262, "An Act

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Dacuro, was out visiting friends. AAA then fell asleep with the lights on after she cleaned the house and waited for Agnes.

Later, around 11:30 p.m., AAA felt someone lie beside her and she was immediately awakened. She saw appellant, Benjamin Elimancil, poking a knife on her left side. She knew Benjamin because both of them grew up in Abucay, Bataan, and was a friend of her brother.

Thereafter, Benjamin pulled down AAA's pajama and panty while still poking the knife at her. AAA tried to resist, but all she could do was cry because appellant was still holding the knife. Appellant proceeded to remove his pants and underwear and placed himself on top of her. Afterwards, he forced his penis in AAA's vagina and made a push-and-pull movement for more than one minute. AAA felt pain and cried until she felt a hot liquid come out from appellant's penis. When AAA looked down, she saw blood in her vagina. Before appellant left, he told AAA not to mention to anybody what transpired between them or something bad would happen to her.

AAA remained at her boarding house and cried until her board-mate Agnes arrived past midnight. AAA told Agnes what transpired and on the following day, AAA went to her hometown in Abucay, Bataan and also told her parents what happened.

The father of AAA immediately went to the Mariveles Police Station and asked assistance from the authorities to look for appellant. The policemen found appellant in Mariveles, Bataan and the latter promised to go to AAA's parents' house in Abucay, Bataan, but did not do so.

On August 17, 2000, AAA went to the Bataan Provincial Hospital and was examined by Dr. Neriza A. Paguio. AAA's examination yielded the following medico-legal findings:

Pertinent Physical Findings:

- Patient is conscious, coherent, ambulatory
- Breast – globularly enlarged with brownish areola and overt nipples
- Axilla – (-) axillary hair flat
- Genitalia – well distributed pubic hair
 - Labia majora and minora closely apposed
 - (+) superficial healed lacerations at 1, 4, 6, 7, 9, 10 o'clock position.

Defining Violence against Women and Their Children, Providing for Protective Measures for Victims, Prescribing Penalties Therefore, and for Other Purposes;" 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; and *People v. Cabalquinto*, 533 Phil. 703 (2006), the real name of the rape victim is withheld and, instead, fictitious initials are used to represent her. Also, the personal circumstances of the victim or any other information tending to establish or compromise her identity, as well as those of her immediate family or household members, is not disclosed (*People v. CCC*, G.R. No. 220492, July 11, 2018).



Hence, an Information was filed against appellant for the crime of Rape which reads as follows:

That on or about 14 August 2000, in Mariveles, Bataan, Philippines, and within the jurisdiction of this Honorable Court, the said accused, by means of force, threat, and intimidation, armed with a bladed weapon, did then and there willfully, unlawfully, and feloniously lie and succeed in having sexual intercourse with AAA, against her will and consent, to her damage and prejudice.

CONTRARY TO LAW.

Appellant pleaded not guilty during his arraignment, thus, trial on the merits ensued.

Appellant denied raping AAA. According to him, AAA invited him at her boarding house for a birthday party. When appellant arrived, he saw five women, including AAA and her board-mate, Agnes Dacuro. Appellant slept over, while the other three left the boarding house. The following day, appellant claimed that AAA and Agnes went to their respective jobs. He added that it was impossible for him to sexually assault AAA, considering that the occupant of the adjacent room, Joel Malate, could have easily heard any commotion.

The RTC, on May 20, 2015, rendered its Judgment and found appellant guilty beyond reasonable doubt of the crime of Rape. The dispositive portion of the decision reads as follows:

WHEREFORE, this Court finds accused BENJAMIN A. ELIMANCIL guilty beyond reasonable doubt of the crime of Rape under Article 266-A, paragraph 1 of the Revised Penal Code and there being an aggravating circumstance of the use [sic] a deadly weapon, a bladed weapon in the commission of the offense without the presence of any mitigating circumstance to offset the same, the Court hereby sentences said accused BENJAMIN A. ELIMANCIL to suffer the penalty of *reclusion perpetua* without eligibility for parole.

In addition, accused BENJAMIN A. ELIMANCIL is hereby ordered to pay the victim "AAA" the amount of Seventy-Five Thousand Pesos (P75,000.00) as civil indemnity, Seventy-Five Thousand Pesos (P75,000.00) as moral damages and the amount of Thirty Thousand Pesos (P30,000.00) as exemplary damages.

SO ORDERED.⁴



⁴ CA rollo, p. 63.

The RTC, aside from ruling that the elements of the crime of rape was proven beyond reasonable doubt, also held that appellant was not able to present any proof as to the ill motives of AAA.

Thus, appellant elevated the case to the CA, and the latter, on July 14, 2017, promulgated its Decision affirming the decision of the RTC, the dispositive portion of which reads:

WHEREFORE, in the light of the foregoing premises, the instant APPEAL is hereby DENIED and the Decision dated May 20, 2015 in Criminal Case No. ML-1731 of the Regional Trial Court of Mariveles, Bataan is hereby AFFIRMED,

SO ORDERED.⁵

The CA, in affirming the Decision of the RTC, also ruled that the medico-legal findings are consistent with the claim of the victim AAA that she was raped and that her straightforward, positive, and spontaneous testimony prevails over appellant's surmises.

Hence, the present appeal.

The appeal is unmeritorious.

In reviewing rape cases, this Court has constantly been guided by three principles, to wit: (1) an accusation of rape can be made with facility; it is difficult to prove but more difficult for the person accused, though innocent, to disprove; (2) in view of the intrinsic nature of the crime of rape where only two persons are usually involved, the testimony of the complainant must be scrutinized with extreme caution; and (3) the evidence for the prosecution must stand or fall on its own merits and cannot draw strength from the weakness of the evidence for the defense. And as a result of these guiding principles, credibility of the complainant becomes the single most important issue. If the testimony of the victim is credible, convincing and consistent with human nature, and the normal course of things, the accused may be convicted solely on the basis thereof.⁶

The determination of the credibility of the offended party's testimony is a most basic consideration in every prosecution for rape, for the lone testimony of the victim, if credible, is sufficient to sustain the verdict of conviction.⁷ As in most rape cases, the ultimate issue in this case is credibility.

⁵ *Rollo*, p. 8.

⁶ *People v. SPO1 Aure, et al.*, 590 Phil. 848, 866 (2008).

⁷ *People v. Malana*, 644 Phil. 290, 302 (2010), citing *People v. Peralta*, 619 Phil. 268, 273 (2009).

In this regard, when the issue is one of credibility of witnesses, appellate courts will generally not disturb the findings of the trial court, considering that the latter is in a better position to decide the question as it heard the witnesses themselves and observed their deportment and manner of testifying during trial.⁸ The exceptions to the rule are when such evaluation was reached arbitrarily, or when the trial court overlooked, misunderstood or misapplied some facts or circumstance of weight and substance which could affect the result of the case.⁹ In the present case, the said circumstances are not present, thus, it does not warrant an exception to the coverage of the rule.

A review of the testimony of AAA would clearly show its consistency and straightforwardness, a matter which the trial court correctly appreciated, thus:

FISCAL VELASCO:

Q What was that unusual incident that happened that you remember?

A On August 14, 2000, sir, I was sleeping in my boarding house. I was awoken (sic) when I felt somebody lied beside me.

Q And when you felt somebody lied beside you, what did you do?

A I woke up sir, and when I was surprised when he poked a knife on my side.

Q And who was this person who lied beside you and who poked a knife on your left side?

A Benjamin Elimancil, sir.

Q And why did you say that it was Benjamin Elimancil who lied beside you and poked a knife on you?

A Because we have a light on then (sic), sir, and I know him.

Q How long have you known Benjamin Elimancil?

A I knew him, sir, because he is a [friend] of my brother and we both live in the same place.

Q And when you felt a knife on your side and the accused Benjamin Elimancil besides (sic) you, what happened next?

A He told me not to shout, sir or else something bad will happen to me.

Q And after saying those things, what happened next?

A He forcibly removed my pajama and my panty, sir.

Q Was he able to pull your pajama and your panty down?

A Yes, sir.

Q Up to where was your panty and your pajama pulled down?

A Middle of my legs, sir.



⁸ *Remiendo v. People*, 618 Phil. 273, 287 (2009).

⁹ *People v. Panganiban*, 412 Phil. 98, 107 (2001).

Q And when he was able to pull down your panty and your pajama, what did Benjamin Elimancil do?

A He removed his pants and his brief, sir.

Q And after removing his pants and brief, what else did he do, if any?

A He lied on top of me, sir. I cannot fight him because he was poking a knife on my side. I was so afraid that I just cried.

x x x x

Q And while forcing his organ unto your private part, what did you do, if any?

A I cried, sir. I tried to resist but I cannot do anything.

Q Despite the fact that you were crying, what did you do next when he was forcing his organ onto your sex organ, what else happened, if any?

A After he was able to insert his organ into my private part, sir, he made a push-and-pull motion and I got shocked.

Q And how long did he stay on top of you when he was making a motion of up and down?

A For more than one (1) minute, sir.

Q And what did you feel when his organ is inside your sex organ?

A I got hurt and I continued crying, sir.

Q And after a minute as you have stated, what did you feel when he was making that up and down motion, what did you feel?

A I just felt that there was this hot liquid that came from him, sir.

Q And after that, what happened next?

A I looked and I saw that the front portion of my body is bloodied, sir.

Q And what did Benjamin Elimancil do after that?

A He told me not to mention to anybody about it or else something bad will happen to me, sir.

Q After uttering those remarks to you, what did he do next, if any?

A He left, sir.¹⁰

Based on the testimony of AAA, she was able to narrate convincingly to the trial court the crime that was committed, hence, the trial court's assessment of AAA's credibility must not be disturbed. As ruled by this Court in *People of the Philippines v. Castel*:¹¹

Findings of facts and assessment of credibility of witnesses are matters best left to the trial court. What militates against the claim of appellant is the time-honored rule that the findings of facts and assessment of credibility of witnesses are matters best left to the trial court. The trial court has the unique position of having observed that elusive and incommunicable evidence of the witnesses' deportment on the stand while testifying, which opportunity is denied to the appellate courts. Only the trial judge can observe the furtive glance, blush of conscious shame, hesitation, flippant or sneering

¹⁰ TSN, July 3, 2001, pp. 4-7.

¹¹ 593 Phil. 288, 315-316 (2008).

tone, calmness, sigh, or the scant or full realization of an oath – all of which are useful aids for an accurate determination of a witness' honesty and sincerity.

Unless certain facts of substance and value were overlooked which, if considered, might affect the result of the case, the trial court's assessment must be respected, for it had the opportunity to observe the conduct and demeanor of the witnesses while testifying and to detect if they were lying.

To discredit AAA, appellant raises the argument that the crime of rape could not have happened since another person was inside an adjacent room and any commotion would have easily been noticed by the latter. Such reasoning is unacceptable. In a long line of cases, this Court has ruled that a small living quarter has not been considered to be a safe refuge from a sexual assault.¹² Rape can be committed in the same room with the rapist's spouse or where other members of the family are also sleeping,¹³ in a house where there are other occupants or even in places which to many might appear unlikely and high-risk venues for its commission.¹⁴ Lust, it has been said before, is apparently no respecter of time and place.¹⁵ Neither is it necessary for the rape to be committed in an isolated place, for rapists bear no respect for locale and time in carrying out their evil deed.¹⁶

It must be remembered that denial and alibi are viewed by this Court with disfavor,¹⁷ considering these are inherently weak defenses,¹⁸ especially in this case where AAA positively identified appellant¹⁹ as the one who committed the crime against her, as well as her straightforward and convincing testimony detailing the circumstances and events leading to the rape.²⁰

The penalty imposed by the RTC and affirmed by the CA is proper, except for the award of exemplary damages. Per recent jurisprudence, the amount of exemplary damages awarded should be ₱75,000.00, instead of ₱30,000.00.²¹

WHEREFORE, the appeal is **DISMISSED**. The Decision dated July 14, 2017 of the Court of Appeals in CA-G.R. CR-HC No. 07588, affirming the Decision dated May 20, 2015 of the Regional Trial Court, Branch 4, Mariveles, Bataan, finding Benjamin A. Elimancil guilty beyond reasonable doubt of Simple Rape under Article 266-A, par. 1 of the Revised Penal Code,

¹² *People v. Guntang*, 406 Phil. 487, 524 (2001).

¹³ *People v. Domingo*, 579 Phil. 254, 267-268 (2008); *People v. Orande*, 461 Phil. 403, 415 (2003).

¹⁴ *People v. Montesa*, 592 Phil. 681, 704 (2008).

¹⁵ *People v. Evina*, 453 Phil. 25, 41 (2003).

¹⁶ *People v. Cañada*, 617 Phil. 587, 603 (2009), citing *People v. Watimar*, 392 Phil. 711, 724 (2000); *People v. Alkodha*, 583 Phil. 692, 704 (2008).

¹⁷ *People v. Dacoba*, 352 Phil. 70, 78 (1998).

¹⁸ *People v. Estrada*, 624 Phil. 211, 222 (2010).

¹⁹ See *People v. Achas*, 612 Phil. 652, 663 (2009).

²⁰ *Id.* at 662.

²¹ See *People v. Jugueta*, 783 Phil. 806 (2016).

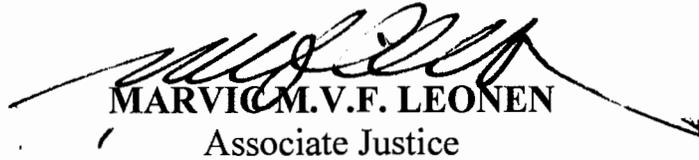
is **AFFIRMED** with the **MODIFICATION** that appellant is **ORDERED** to **PAY** the victim AAA, aside from the earlier awarded civil and moral damages, the amount of ₱75,000.00 as exemplary damages, with interest at the rate of six percent (6%) *per annum* from the finality of this Decision until said amounts are fully paid.

SO ORDERED.

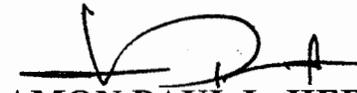


DIOSDADO M. PERALTA
Associate Justice

WE CONCUR:


MARVIC M. V. F. LEONEN
 Associate Justice

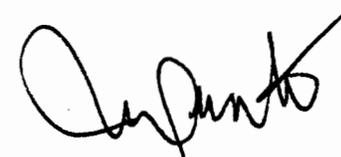

ANDRES B. REYES, JR.
 Associate Justice


RAMON PAUL L. HERNANDO
 Associate Justice


ROSMARI D. CARANDANG
 Associate Justice

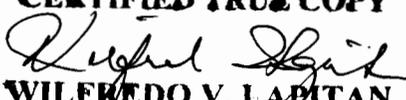
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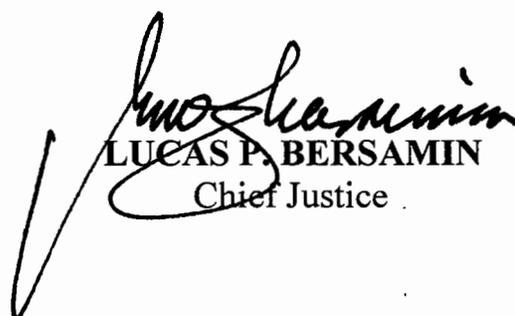
I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.


DIOSDADO M. PERALTA
 Associate Justice
 Chairperson, Third Division

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution and the Division Chairperson's Attestation, 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.

CERTIFIED TRUE COPY

WILFREDO V. LADITAN
 Division Clerk of Court
 Third Division
FEB 21 2019


LUCAS P. BERSAMIN
 Chief Justice