

Rumi D. Paston
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 Deputy Division Clerk of Court
 Third Division

MAY 04 2021



Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

PEOPLE OF THE PHILIPPINES, G.R. No. 240421

Plaintiff-Appellee,

Present:

LEONEN, J., Chairperson,
 HERNANDO,
 INTING,
 DELOS SANTOS, and
 ROSARIO, JJ.

- versus -

Promulgated:

LORETO TALMESA* y BAGAN,
Accused-Appellant.

November 16, 2020

Mis-DCB-H

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DECISION

INTING, J.:

This is an appeal¹ from the Decision² dated April 26, 2018 of the Court of Appeals (CA) in CA-G.R. CR-HC No. 01666-MIN. The assailed CA Decision affirmed the Decision³ dated January 17, 2017 of Branch 26, Regional Trial Court (RTC), Surallah, South Cotabato finding Loreto Talmesa y Bagan (accused-appellant) guilty beyond reasonable doubt of the crime of Rape under paragraph 1, Article 266-A in relation to Article 266-B of the Revised Penal Code (RPC), as amended by Republic Act No. (RA) 8353.⁴

* Spelled as Talmeza in some parts of the Records.

¹ See Notice of Appeal dated May 16, 2018, *rollo*, pp. 17-18.

² *Id.* at 3-16; penned by Associate Justice Oscar V. Badelles with Associate Justices Romulo V. Borja and Tita Marilyn Payoyo-Villordon, concurring.

³ *CA rollo*, pp. 52-62; penned by Acting Presiding Judge Lorenzo F. Balo.

⁴ The Anti-Rape Law of 1997.

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The Antecedents

This case stemmed from an Information⁵ filed before the RTC charging accused-appellant with Rape under paragraph 1, Article 266-A of the RPC, as amended, to wit:

That on or about the 21st day of December 2011, at around 10:30 o'clock in the evening, in [REDACTED], Province of South Cotabato, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, did then and there willfully, unlawfully and feloniously, by means of force and violence, have carnal knowledge of the herein victim, [AAA],⁶ then seventeen (17) years old, against her will and without her consent.

CONTRARY TO LAW.⁷

Accused-appellant, with the assistance of his counsel, pleaded not guilty to the charge.⁸ Trial on the merits ensued.

The prosecution presented as witnesses the following: (1) AAA, the minor victim; (2) BBB, AAA's uncle; (3) Police Officer III Ronald Garcia, the investigator assigned to the case; and (4) Dr. Mila G. Quinton, MD (Dr. Quinton), the physician who examined AAA after the rape incident.⁹

AAA was 17 years old at the time of the rape incident. Accused-appellant and AAA reside in the same *barangay*. AAA is very familiar with accused-appellant because she would see him every time she goes to work.¹⁰

⁵ Records, p. 1-2.

⁶ The identity of the victim or any information to establish or compromise her identity, as well as those of her immediate family or household members, shall be withheld pursuant to Republic Act No. (RA) 7610, "An Act Providing for Stronger Deterrence and Special Protection against Child Abuse, Exploitation and Discrimination, Providing Penalties for its Violation and For Other Purposes;" RA 9262, "An Act Defining Violence Against Women and Their Children, Providing for Protective Measures for Victims, Prescribing Penalties Therefor, and For Other Purposes;" Section 40 of Administrative Matter No. 04-10-11-SC, known as the "Rule on Violence against Women and Their Children," effective November 15, 2004; *People v. Cabalquinto*, 533 Phil. 703 (2006); and Amended Administrative Circular No. 83-2015 dated September 5, 2017, Subject: Protocols and Procedures in the Promulgation, Publication, and Posting on the Websites of Decisions, Final Resolutions, and Final Orders Using Fictitious Names/Personal Circumstances.

⁷ Records, p. 1.

⁸ See Order dated September 12, 2012 of Branch 26, Regional Trial Court, Surallah, South Cotabato in Criminal Case No. 5799-N, *id.* at 22.

⁹ CA rollo, p. 53.

¹⁰ *Id.* at 54-55.

According to AAA, on December 21, 2011, at around 8:00 p.m. to 9:00 p.m., she was at the shed of [REDACTED] waiting for her father to fetch her. Accused-appellant asked AAA who she was waiting for; she replied that she was waiting for her father. Accused-appellant then left. As AAA's father did not arrive and it was already 10:30 p.m., AAA decided to go home. While she was walking on her way home, a person suddenly covered her mouth and pulled her from behind. She immediately turned to see the person and saw accused-appellant's face through the light coming from her cellphone that she held above her head. While accused-appellant was holding her, AAA struggled to free herself. Accused-appellant dragged her towards the middle of the rice field. As accused-appellant was much bigger, AAA struggled to free herself from accused-appellant, causing her to fall. While she was lying on the muddy ground, accused-appellant sat on her knees and repeatedly punched her on the face and lower parts of her body. AAA tried to evade the blows by covering her face, but she could not do anything.¹¹

Thereafter, accused-appellant forcibly removed AAA's pants and underwear and tried to kiss her. AAA evaded accused-appellant's attempts and pushed his head away from her. Accused-appellant, who was naked at that time, spread AAA's legs and inserted a part of his penis into her vagina. AAA kept on kicking accused-appellant causing his penis to be removed from her vagina. This enraged accused-appellant. He punched her on her stomach, abdomen, head, and neck several times. AAA retaliated by biting accused-appellant's hand. She also shouted for help. Accused-appellant punched her again on the head and abdomen until she nearly lost consciousness. Then, AAA heard a motorcycle approaching the rice field making accused-appellant to run away from the scene. AAA slowly crawled her way out from the muddy rice field towards the road and asked for help. Upon reaching the road, AAA saw the motorcycle. She waved her hand and shouted for help. The persons on board the motorcycle saw her and helped her. BBB was one of the three persons on board the motorcycle. After asking AAA what happened to her, BBB gave his shawl to her to cover the lower part of her naked body. In no time, BBB brought AAA to the police station and thereafter to the hospital for treatment.¹²

Dr. Quinton, the attending physician of AAA, testified that on December 22, 2011, AAA was brought to the hospital shivering, wearing

¹¹ *Id.*

¹² *Id.* at 55: rollo, p. 5.

a blouse, but no lower clothes. When she examined AAA, she found the following: (1) multiple abrasions in AAA's neck and face; (2) contusion on the upper lip; (3) hemorrhages on both eyes; (4) contused abrasion on her upper *labia minora*; and (4) fresh lacerated wound in the hymen.¹³

For his part, accused-appellant denied the allegations against him. He claimed that at around 6:00 p.m. of December 21, 2011, after having dinner with his wife and one Jose Regidor, he drank half a bottle of Tanduay and went to sleep at 9:00 that evening. At around 6:00 a.m. the following day, while drinking his coffee, four police officers approached and asked him whether he noticed something odd the previous night. Accused-appellant told them that the dogs were barking that night. The police officers invited him to the police station to get his statements. He agreed and freely went with the police officers. However, he was instead brought to a hospital where he was presented before AAA who was asked whether he was the one who raped her. AAA just looked at him and sat down. AAA did not point to him as the one who raped her. The police officers told accused-appellant to board the patrol car and that they would go home. However, he was not brought home, but to the police station where one of the police officers pushed him inside the jail. Upon the instruction of a police officer, the detainees inside mauled him.¹⁴

The RTC Ruling

In the Decision¹⁵ dated January 17, 2017, the RTC found accused-appellant guilty beyond reasonable doubt of the crime of Rape as defined in paragraph 1(a), Article 266-A of the RPC, as amended. The RTC sentenced him to suffer the penalty of *reclusion perpetua*, and ordered him to pay AAA ₱50,000.00 as civil indemnity.

Accused-appellant appealed to the CA.

The CA Ruling

On April 26, 2018, the CA affirmed *in toto* the RTC ruling.

¹³ See Medical Certificate dated December 23, 2011, records, p. 10.

¹⁴ CA *rollo*, pp. 56-57.

¹⁵ *Id.* at 52-62.

Hence, the instant appeal.

The parties adopted their respective Appellant's and Appellee's Briefs filed before the CA as their respective Supplemental Briefs before the Court.¹⁶

In his appeal, accused-appellant raised the following grounds questioning his conviction before the lower courts:

1. He was unlawfully arrested without a warrant;
2. He was not positively identified by AAA; and
3. AAA's statements were peppered with inconsistencies which when considered would have changed the judgment of the RTC.

The Court's Ruling

The appeal has no merit.

Well settled is the rule that the matter of ascribing substance to the testimonies of witnesses is best discharged by the trial court, and the appellate courts will not generally disturb the findings of the trial court in this respect.¹⁷ Findings of the trial court which are factual in nature and which involve the credibility of witnesses are accorded with respect, if not finality by the appellate court, when no glaring errors, gross misapprehension of facts, and speculative, arbitrary, and unsupported conclusions can be gathered from such findings.¹⁸ The reason is quite simple: the trial judge is in a better position to ascertain the conflicting testimonies of witnesses after having heard them and observed their deportment and mode of testifying during the trial.¹⁹ The task of taking on the issue of credibility is a function properly lodged with the trial court.²⁰ Thus, generally, the Court will not reexamine or reevaluate evidence that had been analyzed and ruled upon by the trial court.

¹⁶ *Rollo*, pp. 24-26, 28-29.

¹⁷ *Estrella v. People*, G.R. No. 212942, June 17, 2020.

¹⁸ *People v. Aspa, Jr.*, G.R. No. 229507, August 6, 2018, 876 SCRA 330, 338, citing *People v. De Guzman*, 564 Phil. 282, 290 (2007).

¹⁹ *Id.*, citing *People v. Villamin*, 625 Phil. 698, 713 (2010).

²⁰ *Estrella v. People*, *supra* note 17, citing *People v. Villamin*, *id.*

After a judicious perusal of the records of the instant appeal, the Court finds no compelling reason to depart from the uniform factual findings of the RTC and the CA. The Court affirms accused-appellant's conviction.

All the elements of the crime of rape are present.

Accused-appellant is indicted for rape under paragraph 1, Article 266-A of the RPC, as amended, which provides as follows:

Article 266-A. *Rape: When And How Committed.* – Rape is committed —

1) By a man who shall have carnal knowledge of a woman under any of the following circumstances:

- a) Through force, threat, or intimidation;
- b) When the offended party is deprived of reason or otherwise unconscious;
- c) By means of fraudulent machination or grave abuse of authority;

X X X

Under paragraph 1(a), Article 266-A, the elements of rape are: (1) that the offender had carnal knowledge of a woman; and (2) that such act was accomplished through force, threat, or intimidation.²¹ Here, the prosecution had established beyond moral certainty these elements.

AAA categorically asserted that accused-appellant inserted part of his penis into her vagina.²² Evidence further reveals that accused-appellant employed force to satisfy his lust as evinced by the following: AAA vividly recalled that accused-appellant dragged her towards the middle of the rice field²³ and while she was on the ground, accused-appellant punched her on her face, head, neck, abdomen, and lower parts of her body.²⁴ Her statements were corroborated by the medical findings

²¹ *People v. CCC*, G.R. No. 231925, November 19, 2018.

²² TSN, July 2, 2014, p. 35

²³ *Id.* at 30.

²⁴ *Id.* at 31 and 36.

of Dr. Quinton, who testified that AAA suffered multiple abrasions on her face and neck; contusions on her upper lip, nose and left cheek; and conjunctival hemorrhage in both eyes.²⁵

The identity of accused-appellant was proven beyond reasonable doubt.

AAA positively identified accused-appellant as her assailant; thus:

Direct Examination by Fiscal Jesse S. Villegas:

Q You know this person personally ?

A Yes, sir. He is only known as Boyax. I do not know his complete name at that time.²⁶

x x x x

Q How were you able to recognize the identity of the person who raped you at that time because it was dark?

A That time I was bringing with me my cell phone.

Q What is the connection of your having a cell phone to your testimony that you were able to recognize the identity of the person?

A Earlier we had a talk at the waiting shed and I was raising my cell phone on top of my head, and the light of that cell phone illuminated him, that is why I was able to recognize him.

Q That was at the waiting shed?

A Yes, sir.²⁷

x x x x

Q: Did you tell him who was that person who raped you?

A: Yes, sir.

Q: Who was that person that you told him who raped you?

²⁵ TSN, February 19, 2014, p. 6.

²⁶ TSN, July 2, 2014, p. 26.

²⁷ *Id.* at 38-39.

A: Boyax.²⁸

Cross-Examination by Atty. Fermin D. Ondoy:

Q: You just presumed that the person you met at the waiting shed was the same person who grabbed you from behind?

A: No, sir, because I already saw him at the waiting shed and when the incident happened, I also saw him.

Q: At what point did you actually see him during the incident?

A: After he covered by mouth, I turned my head towards him.

Q: According to you, when that person grabbed you from behind, you could not move?

A: Yes, sir, that was my answer earlier.

Q: And when he grabbed you, your cell phone fell?

A: It did not as I was still holding it.

Q: You mean to say, while at the rice field you still had your cell phone at that time?

A: When he pulled me towards the rice field, I was no longer holding it.²⁹

x x x x

Q: When was the next time you saw him again?

A: I saw him next at the hospital as he was brought and presented by the policemen.³⁰

The credibility of the private complainant as a witness.

Accused-appellant seeks to demolish AAA's testimony by claiming that her testimony is full of inconsistencies. He insists that AAA could not have turned her face towards him and see his face because she herself stated that the perpetrator tightly grabbed her from behind so that she could not move. Accused-appellant further contends

²⁸ *Id.* at 40.

²⁹ *Id.* at 45-46.

³⁰ *Id.* at 53.

that AAA mentioned in her sworn statement that the perpetrator allegedly made a push and pull movement. However, AAA failed to state this act during the direct examination. Thus, according to accused-appellant, AAA's statements are incredible.

The Court is not convinced.

There are no material inconsistencies in AAA's statements. While AAA may not have been able to move her entire body when accused-appellant dragged her to the rice field, it is not impossible for her to turn her head and see accused-appellant's face. As testified by AAA, she was able to see accused-appellant's face through the light from her cellphone when she turned her head while being dragged by accused-appellant to the rice field.³¹

Moreover, it is inconsequential that AAA did not mention during the direct examination that accused-appellant made push and pull movements. What is material is that AAA categorically testified that accused-appellant was able to forcibly insert part of his penis into her vagina.

Certainly, the claimed inconsistencies in AAA's testimony are not of a nature that would impair AAA's credibility as a witness. They do not touch upon the elements of the crime of Rape. They are minor details which are irrelevant to the elements of the crime and cannot be considered grounds for accused-appellant's acquittal.

Besides, inaccuracies and inconsistencies are expected in a rape victim's testimony.³² Rape is a painful experience which is oftentimes not remembered in detail.³³ Such an offense is not analogous to a person's achievement or accomplishment as to be worth recalling or reliving; rather, it is something which causes deep psychological wounds and casts a stigma upon the victim, scarring her psyche for life and which her conscious and subconscious mind would opt to forget. Thus, a rape victim cannot be expected to mechanically keep and then give an accurate account of the traumatic and horrifying experience she had undergone.³⁴

³¹ *Id.* at 44-46.

³² *People v. Agalot*, 826 Phil. 541, 559 (2018).

³³ *Id.*

³⁴ *People v. Pareja*, 724 Phil. 759, 774 (2014), citing *People v. Saludo*, 562 Phil. 738, 753 (2011).

The RTC, as affirmed by the CA, found AAA's testimony credible. The Court finds no reason to rule otherwise considering that AAA's narration is clear, spontaneous, and straightforward.

Furthermore, testimonies of child victims are given full weight and credit, for when a woman or a girl-child says that she has been raped, she says in effect all that is necessary to show that rape was indeed committed.³⁵ Youth and immaturity are generally badges of truth and sincerity.³⁶ No young woman would admit that she was raped, make public the offense and allow the examination of her private parts, undergo the troubles and humiliation of a public trial and endure the ordeal of testifying to all the gory details, if she had not in fact been raped.³⁷

*Accused-appellant's assertion
of unlawful arrest.*

Accused-appellant argues that his warrantless arrest when he was brought to the hospital by the police officers is illegal.

The Court is not persuaded.

Records show that the police officers merely invited accused-appellant to go with them and that he voluntarily agreed.³⁸ This was corroborated by accused-appellant's wife, who testified that accused-appellant freely went with the police officers to the police station.³⁹

Also, even *in gratia argumenti* that the arrest was illegal, the objection to the illegality of the arrest has already been waived. In *Lapi v. People*⁴⁰ the Court said:

The Court has consistently ruled that any objection involving a warrant of arrest or the procedure for the acquisition by the court of jurisdiction over the person of the accused must be made before he

³⁵ *People v. ABC*, G.R. No. 244835, December 11, 2019, citing *People v. Alberca*, 810 Phil. 896, 906 (2017).

³⁶ *People v. Deliola*, 794 Phil 194, 208 (2016), citing *People v. Suarez*, 750 Phil 858, 869 (2015).

³⁷ *Id.*, citing *People v. Nical*, 754 Phil 357, 369 (2015).

³⁸ TSN, October 30, 2014, p. 13.

³⁹ TSN, November 6, 2014, p. 12-13.

⁴⁰ G.R. No. 210731, February 13, 2019.

enters his plea; otherwise, the objection is deemed waived. We have also ruled that an accused may be estopped from assailing the illegality of his arrest if he fails to move for the quashing of the information against him before his arraignment. And since the legality of an arrest affects only the jurisdiction of the court over the person of the accused, any defect in the arrest of the accused may be deemed cured when he voluntarily submits to the jurisdiction of the trial court. We have also held in a number of cases that the illegal arrest of an accused is not a sufficient cause for setting aside a valid judgment rendered upon a sufficient complaint after a trial free from error; such arrest does not negate the validity of the conviction of the accused.⁴¹

In the case at bench, accused-appellant went into arraignment, pleaded not guilty, and actively participated in the trial. He only raised the issue of the validity of his arrest before the CA. He never questioned the legality of his arrest before the arraignment. He is, therefore, deemed to have waived any alleged irregularity in his arrest when he submitted himself to the jurisdiction of the court through his counsel-assisted plea during his arraignment.

Penalty and damages.

The RTC and the CA correctly imposed the penalty of *reclusion perpetua* in accordance with paragraph 1(a), Article 266-A in relation to Article 266-B of the RPC, as amended.

However, to conform with jurisprudence, the Court increases the amount of civil indemnity to ₱75,000.00.⁴² The Court further awards to AAA moral damages in the amount of ₱75,000.00, and exemplary damages in the amount of ₱75,000.00.⁴³


WHEREFORE, the appeal is **DISMISSED**. The Decision dated April 26, 2018 of the Court of Appeals in CA-G.R. CR-HC No. 01666-MIN is **AFFIRMED** with **MODIFICATIONS** in that accused-appellant Loreto Talmesa y Bagan is **ORDERED** to pay AAA ₱75,000.00 as civil indemnity, ₱75,000.00 as moral damages, and ₱75,000.00 as exemplary damages. The amount of damages awarded shall earn legal interest at the rate of 6% *per annum* from the date of the finality of this Decision until fully paid.

⁴¹ *Id.*, citing *People v. Alunday*, 586 Phil. 120, 133 (2008).

⁴² *People v. Jugueta*, 783 Phil. 806, 826 (2016).


⁴³ *Id.*

SO ORDERED.

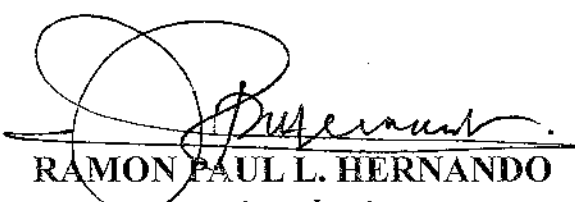


HENRI JEAN PAUL B. INTING
Associate Justice

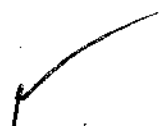
WE CONCUR:



MARVIC M.V.F. LEONEN
Associate Justice
Chairperson



RAMON PAUL L. HERNANDO
Associate Justice




EDGARDO L. DELOS SANTOS
Associate Justice



RICARDO R. ROSARIO
Associate Justice

ATTESTATION

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.

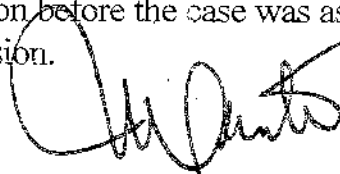


MARVIC M.V.F. LEONEN
Associate Justice
Chairperson

A.

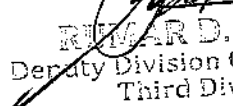
CERTIFICATION

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.



DIOSDADO M. PERALTA
Chief Justice

CERTIFIED TRUE COPY



RIKARD D. PASION
Deputy Division Clerk of Court
Third Division

MAY 04 2021

