



SUPREME COURT OF THE PHILIPPINES
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Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

PEOPLE OF THE PHILIPPINES, G.R. No. 227396

Plaintiff-Appellee,

Present:

– versus –

LEONEN, S.A.J., Chairperson,
LAZARO-JAVIER,
LOPEZ, M.,
LOPEZ, J., and
KHO, JR., JJ.

MILO LEOCADIO y
LABRADOR, Accused-Appellant.

Promulgated:

FEB 22 2023

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DECISION

LOPEZ, M., J.:

Rape with homicide perpetrated against a child does not only slay the body and defile the honor of the victim but also strikes at the heart of every society and leaves a scar of outrage that lasts longer than the actual crime. One such illustration is present in this appeal¹ assailing the Decision² dated September 15, 2015 of the Court of Appeals (CA) in CA-G.R. CR-HC. No. 06148.

¹ See Notice of Appeal dated October 19, 2015; *rollo*, pp. 12–13.

² *Id.* at 2–11. Penned by Associate Justice Ma. Luisa C. Quijano-Padilla, with the concurrence of Associate Justices Normandie B. Pizarro and Samuel H. Gaerlan (now a Member of this Court).

ANTECEDENTS

On March 26, 2002, at around 3:00 p.m., spouses BBB227396 and CCC227396 instructed their 12-year-old daughter, AAA227396,³ and her two siblings to collect the payment of rice cakes from their neighbor, accused-appellant Milo Leocadio y Labrador (Milo). The children were able to return home except AAA227396. Worried, BBB227396 searched for AAA227396 the whole night but did not find her. The following day, BBB227396 and CCC227396 reported the matter to the police. BBB227396 then received news from the barangay officials that they discovered AAA227396's lifeless body in the house of Milo. Immediately, BBB227396 went to the crime scene and saw AAA227396 underneath Milo's wooden bed lying flat on her back with a cloth wrapped around her mouth and nose, and with both hands tied and twisted at her back. After investigation, the autopsy reported that AAA227396 died due to asphyxia by suffocation. The medical examination also revealed that AAA227396 sustained hymenal lacerations at the 3 o'clock position and suffered a total of 33 injuries and abrasions on her chest, abdomen, neck, back, extremities, forehead, ears, nose, eyelid, lips, and throat. Accordingly, Milo was charged with the complex crime of rape with homicide before the Regional Trial Court, [REDACTED]⁴ Romblon (RTC) docketed as Criminal Case No. OD-1498,⁵ thus:

That on or about the 26th of March, 2002, at around 3:00 o'clock (sic) in the afternoon, in [REDACTED] province of Romblon, Philippines, and within the jurisdiction of this Honorable Court, the said accused, by means of threats, force, and/or intimidation, did then and there wil[l]fully, unlawfully, and feloniously had (sic) carnal knowledge with one [AAA227396], a 12 year old girl, against her will and consent; and that on the occasion of the rape incident, said accused did then and there, wil[l]fully, unlawfully and feloniously attack, assault and beat [AAA227396] with a hard object causing injuries all over her body and also wrap her face with a piece of cloth that suffocate[d] her, resulting to her death.

Contrary to law.⁶

³ The true name of the victim has been replaced with fictitious initials in conformity with Supreme Court (SC) Amended Administrative Circular No. 83-2015 dated September 5, 2017, entitled "PROTOCOLS AND PROCEDURES IN THE PROMULGATION, PUBLICATION, AND POSTING ON THE WEBSITES OF DECISIONS, FINAL RESOLUTIONS, AND FINAL ORDERS USING FICTITIOUS NAMES/PERSONAL CIRCUMSTANCES." The confidentiality of the identity of the victim or any information which could establish or compromise their identity, and those of their immediate family or household members, shall be withheld pursuant to Republic Act (RA) No. 7610, entitled "AN ACT PROVIDING FOR STRONGER DETERRENCE AND SPECIAL PROTECTION AGAINST CHILD ABUSE, EXPLOITATION AND DISCRIMINATION, AND FOR OTHER PURPOSES," approved on June 17, 1992; RA No. 9262, entitled "AN ACT DEFINING VIOLENCE AGAINST WOMEN AND THEIR CHILDREN, PROVIDING FOR PROTECTIVE MEASURES FOR VICTIMS, PRESCRIBING PENALTIES THEREFOR, AND FOR OTHER PURPOSES," approved on March 8, 2004; and Section 40 of A.M. No. 04-10-11-SC, entitled "RULE ON VIOLENCE AGAINST WOMEN AND THEIR CHILDREN," effective November 15, 2004.

⁴ SC Amended Administrative Circular No. 83-2015 states that the geographical location where the crime was committed should refer only to the province where the crime occurred. References to the specific barangay or town should be blotted out from the body of the court decision if its identification could lead to the disclosure of the women or children victims.

⁵ *Rollo*, pp. 3-4. See also *CA rollo*, pp. 34-35, 43-46, 49, and 63-64.

⁶ *CA rollo*, p. 10.

Milo pleaded not guilty. At the trial, Milo admitted killing AAA227396 but claimed that it was accidental. Milo explained that he was sleeping at the time of the incident when AAA227396 suddenly touched his shoulder which abruptly awakened him. At that instance, Milo unconsciously threw a punch that hit AAA227396's chest. AAA227396 bumped the wall and fell on the ground apparently dead. Shocked, Milo just sat beside AAA227396's body for a while. Thereafter, Milo requested his mother to seek help from the barangay. The police authorities arrived and investigated the case. Lastly, Milo denied raping AAA227396.⁷

In a Decision⁸ dated April 1, 2013, the RTC found adequate circumstantial evidence that Milo was guilty of rape with homicide. The RTC gave credence to the autopsy report and the testimony of BBB227396 on the factual circumstances before and after the commission of the crime,⁹ to wit:

WHEREFORE, premises considered, the Court finds the accused MILO LEOCADIO **GUILTY** beyond reasonable doubt of the complex crime of rape with homicide and is hereby sentenced to suffer the penalty of *reclusion perpetua* without eligibility of parole under Act 4103 (Indeterminate Sentence Law), as amended[,] and to pay the heirs of [AAA227396] the amount of [PHP] 100,000.00 as civil indemnity, [PHP] 75,000.00 as moral damages, [PHP] 50,000.00 as exemplary damages and [PHP] 30,000.00 as temperate damages.

SO ORDERED.¹⁰ (Emphasis in the original)

Milo elevated¹¹ the case to the CA docketed as CA-G.R. CR-HC. No. 06148. Milo averred that the testimony of BBB227396 is incredible and that no sufficient circumstantial evidence exists to prove that he perpetrated the crime. Milo invoked accidental killing and maintained that he did not rape the victim.¹² In a Decision¹³ dated September 15, 2015, the CA affirmed the RTC's findings with modification by imposing interest on the award of damages,¹⁴ viz.:

The prosecution presented sufficient circumstantial evidence to establish beyond reasonable doubt that [Milo], and no other, had raped and killed [AAA227396]. The following are the circumstantial evidence, to wit:

First. The parents of [AAA227396], instructed [her] to go to the house of [Milo].

⁷ *Id.* at 35 and 47-48. See also *rollo*, p. 5.

⁸ *CA rollo*, pp. 43-52. Penned by Executive Judge Jose M. Madrid.

⁹ *Id.* at 48-52.

¹⁰ *Id.* at 52.

¹¹ See Brief for the Accused Appellant dated December 23, 2014; *id.* at 30-41.

¹² *Id.* at 35-40.

¹³ *Rollo*, pp. 2-11.

¹⁴ *Id.* at 11.

Second. [AAA227396] went missing after that and remained missing until the discovery of her lifeless body on the following day.

Third. The parents of [AAA227396], together with the police[,] went to the house of [Milo] where the body of the victim was found. The victim was lifeless, with the mouth covered by a white cloth and with bruises and abrasions all over the body.

Fourth. [Milo], when confronted, admitted that on that fateful afternoon, [AAA227396] was in his house and that he admitted hitting the victim which led to her death.

Fifth. The medico-legal findings showed that the victim had died from asphyxiation by strangulation or suffocation, which cause of death was consistent with the white cloth covering the mouth of the victim and the multiple injuries including abrasions found on different parts of her face and body

Sixth. Upon medical examination, the victim had hymenal lacerations in her genitalia at [the] 3:00 o' clock (sic) position with the presence of dried blood therein.

To an unprejudiced mind, the above circumstances alone form a solid unbroken chain of events which ties [Milo] to the crime beyond reasonable doubt. The prosecution was able to prove that [Milo] had carnal knowledge of the victim, consistent with the post-mortem findings of Dr. Aguirre which indicated that the victim had hymenal lacerations in her genitalia and dried blood. x x x

In addition, the medical report also reflected the fact that the victim had several abrasions in different parts of her body that would belie [Milo]'s claim that he only hit the victim "once" on her chest, with his bare hands which caused her to hit her head on the wall and fall on the ground to her death, that afternoon of March 26, 2002.

x x x x

WHEREFORE, in view of the foregoing premises, the instant appeal is hereby **DENIED**. The Decision dated April 1, 2013 rendered by the Regional Trial Court, ██████████ Romblon in Criminal Case No. OD-1498 is hereby **AFFIRMED** with **MODIFICATION** that the monetary awards for civil liability and damages shall earn interest at the rate of 6% per annum from finality of the decision until the same shall have been fully paid.

SO ORDERED.¹⁵ (Emphasis in the original)

Hence, this recourse.¹⁶ The parties opted not to file supplemental briefs¹⁷ considering that all issues have already been exhaustively discussed

¹⁵ *Id.* at 8–11.

¹⁶ See Notice of Appeal dated October 19, 2015; *id.* at 12–13.

¹⁷ See Manifestation dated April 25, 2017; *id.* at 20–22; and Manifestation dated April 21, 2017; *id.* at 25–27.

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in their pleadings before the CA. Thus, Milo reiterates his argument that the prosecution failed to prove his guilt beyond reasonable doubt.¹⁸

RULING

The appeal is unmeritorious.

The crime of rape — whether simple, qualified, or complexed with other crimes — is difficult to substantiate because it is generally unwitnessed and perpetrated in seclusion. The prosecution of such crime becomes even more intricate if homicide is committed since the victim could no longer testify.¹⁹ In rape with homicide, the elements of the component crimes must be established beyond reasonable doubt.²⁰ The prosecution must prove that: (1) the accused had carnal knowledge of the victim; (2) carnal knowledge of the victim was achieved by means of force, threat, or intimidation; and (3) by reason or on occasion of such carnal knowledge by means of force, threat, or intimidation, the accused killed the victim.²¹

Notably, Milo conceded during trial that he killed AAA227396 but disavowed criminal liability since it was supposedly accidental. Milo alleged that he unconsciously boxed AAA227396 on the chest after she abruptly awakened him. The argument is specious. The Revised Penal Code (RPC) is explicit that “[a]ny person who, while performing a lawful act with due care, causes an injury by mere accident without fault or intention of causing it” is exempted from criminal liability.²² The exempting circumstance of “accident” is anchored on the complete absence of intent or negligence on the part of the accused. In other words, the accused does not commit either an intentional or culpable felony. The accused commits a crime but there is no criminal liability because of the complete absence of any of the conditions which constitute free will or voluntariness of the act.²³ Moreover, accident is an affirmative defense which the accused is burdened to establish with clear and convincing proof. The accused must rely on the strength of his own evidence and not on the weakness of that of the prosecution. Thus, it is incumbent upon the accused to prove the essential requisites of accident as an exempting circumstance, namely: (1) a person is performing a lawful act; (2) with due care; (3) he/she causes an injury to another by mere accident; and (4) without fault or intention of causing it.²⁴

¹⁸ *Id.* at 20. See also CA rollo, pp. 35–40.

¹⁹ *People v. Robles, Jr.*, 364 Phil. 752, 763 (1999) [*Per Curiam, En Banc*].

²⁰ *People v. Diño*, 46 Phil. 395, 399–400 (1924) [Per J. Villamor, Second Division].

²¹ *People v. Narzabal*, 647 Phil. 299, 308 (2010) [Per J. Mendoza, *En Banc*], citing *People v. Nanas*, 415 Phil. 683, 696 (2001) [Per J. Gonzaga-Reyes, *En Banc*].

²² See paragraph 4, Article 12 of the RPC.

²³ *People v. Malicdem*, 698 Phil. 408, 419–420 (2012) [Per J. Leonardo-De Castro, First Division].

²⁴ *Toledo v. People*, 482 Phil. 292, 303 (2004) [Per J. Callejo, Sr., Second Division]. See also *People v. Castillo*, 553 Phil. 197, 207–208 (2007) [Per J. Ynares-Santiago, Third Division].

In this case, the exempting circumstance of accident is inapplicable. Foremost, accident presupposes that the act done is lawful. However, Milo's act of boxing AAA227396 on the chest is unlawful, constituting at least the felony of physical injuries.²⁵ Further, the evidence to prove intent to kill in crimes against persons may consist, *inter alia*, in the means used by the malefactors, the nature, location, and number of wounds sustained by the victim. The intent to kill is presumed if the victim dies as a result of a deliberate act of the malefactors.²⁶ Here, AAA227396 died due to asphyxia by suffocation and was found underneath Milo's bed with a cloth wrapped around her mouth and nose, and with both hands tied and twisted at her back. Worse, AAA227396 suffered a total of 33 injuries and abrasions on different parts of her body. Inarguably, the autopsy report loudly speaks against Milo's alleged lack of intent. The report corroborates the fact that these injuries could not have been inflicted without the accused having placed himself in control of his victim. The report also supports the conclusion that the injuries were inflicted to repel any resistance that the victim may offer the accused. As the examining physician testified, the rope marks found on the forehead of the victim was meant to prevent her from fighting the accused. The abrasions might have been caused by hitting or striking the victim's body with a hard object such as a piece of wood or fist blows. The asphyxia was a result of covering or wrapping the mouth and nasal orifice with a cloth or exerting pressure by the use of human hands or any other means.²⁷

Assuming there was no evil intent, the hard facts indicate that Milo acted without due care and prudence as regards the circumstances before him. Milo's supposed unconscious punching of the victim amounts to a negligent act absent evidence that he was totally deprived of his powers of observation and mental faculties. The Court cannot accept Milo's kind of tale which is highly contrary to common human experience. Obviously, it is preposterous to believe that the initial reaction of person who was suddenly awakened is to indiscriminately throw punches. It is a legal truism that evidence to be considered must not only proceed from the mouth of a credible witness, but must be credible in itself. No better test has yet been found to measure the value of a witness' testimony than its conformity to the knowledge and common experience of mankind.²⁸ Taken together, the defense of accident must be struck down. Milo failed to adduce any circumstance which may relieve him of responsibility other than his bare claim that the killing was accidental.

Anent the component crime of rape, the Court agrees with the CA and the RTC that sufficient circumstantial evidence eloquently show that Milo sexually assaulted AAA227396 before killing her. In the prosecution of criminal offenders, conviction is not always based on direct evidence. The

²⁵ *People v. Nepomuceno, Jr.*, 358 Phil. 942, 950 (1998) [Per J. Melo, Second Division].

²⁶ *People v. Latosa*, 635 Phil. 555, 565 (2010) [Per J. Villarama, Jr., Third Division].

²⁷ CA rollo, p. 49-50.

²⁸ *People v. Baquiran*, 126 Phil. 807, 810 (1967) [Per J. Castro, *En Banc*]. See also *People v. Magpantay*, 348 Phil. 107, 114-115 (1998) [Per J. Melo, Third Division].

Rules of Court allows resort to circumstantial evidence provided the following conditions are satisfied, to wit: (a) there is more than one circumstance; (b) the facts from which the inferences are derived are proven; and (c) the combination of all the circumstances is such as to produce a conviction beyond reasonable doubt.²⁹ The Court explained that a judgment of conviction based on circumstantial evidence can be upheld only *if the circumstances proved constitute an unbroken chain which leads to one fair and reasonable conclusion which points to the accused, to the exclusion of all others, as the guilty person*. All the circumstances must be consistent with each other, compatible with the hypothesis that the accused is guilty and in conflict with the notion that he is innocent.³⁰

Here, none of the prosecution witnesses testified having seen Milo rape AAA227396. Yet, the corpus of circumstantial evidence constitutes an unbroken chain of events pointing to Milo's guilt. As the CA aptly observed, AAA227396 went to Milo's house and remained missing until the discovery of her lifeless body the following day in the same place. The medical examination revealed that AAA227396 sustained hymenal lacerations at the 3 o'clock position. The lacerations were due to the insertion of a blunt object like a human penis or any hard item. Also, dried blood was found on AAA227396's labia majora which is a strong evidence that she was raped. The most incriminating evidence against Milo is when AAA227396's body was found underneath his bed. This forecloses a host of possibilities that a person, other than Milo, raped and killed AAA227396. These proven facts, when weaved together, lead to no other conclusion but of Milo's culpability for the crime. To be sure, the Court upheld the conviction for rape with homicide where the accused was positively identified to be the last person seen with the victim on or about the time she was killed at the place where she was found dead. The victim had no reason to be afraid of the accused and had no premonition of evil when she went with him.³¹

Finally, Milo's defenses of denial and alibi cannot prevail over the circumstantial evidence. These negative defenses are self-serving and undeserving of weight in law absent clear and convincing proof.³² We stress that the CA and the RTC's assessment on the credibility of the witnesses and the veracity of their testimonies are given the highest degree of respect,³³ especially if there is no fact or circumstance of weight or substance that was overlooked, misunderstood, or misapplied, which could affect the result of the

²⁹ See Section 4, Rule 133 of the Rules of Court.

³⁰ *People v. Geron*, 346 Phil. 14, 24 (1997) [Per J. Romero, Third Division]. See also *People v. Dela Cruz*, 397 Phil. 401, 420 (2002) [Per J. Panganiban, Third Division].

³¹ *People v. Develles*, 284 Phil. 210, 216 (1992) [Per J. Griño-Aquino, First Division]. See also *People v. Quisay*, 378 Phil. 193, 220 (1999) [Per J. Genzaga-Reyes, Third Division].

³² *People v. Togahan*, 5514 Phil. 997, 1013-1014 (2007) [Per J. Tinga, Second Division].

³³ *People v. Maignas*, 428 Phil. 834, 868-869 (2002) [Per J. Panganiban, *En Banc*], citing *People v. Basquez*, 481 Phil. 426, 439 (2001) [Per J. Panganiban, Third Division], *People v. Jaberto*, 366 Phil. 556, 566 (1999) [Per J. Panganiban, Third Division], and *People v. Deleverio*, 352 Phil. 382, 401 (1998) [Per J. Vitug, *En Banc*].

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case.³⁴ The prosecution witnesses harbored no ill motive to falsely testify against Milo.³⁵ In any event, Milo did not adduce evidence that he was somewhere else when the crime was committed and that it was physically impossible for him to be present at the crime scene or its immediate vicinity at the time of its commission.³⁶ Admittedly, the accused and the victim were in the same house at the time the crime was committed.

As to Milo's criminal liability, the special complex crime of rape with homicide carries the penalty of death.³⁷ In view of Republic Act No. 9346,³⁸ however, the Court is mandated to impose on Milo the penalty of *reclusion perpetua* with qualification that he is not eligible for parole.³⁹ As to Milo's civil liability, the CA and the RTC properly awarded PHP 100,000.00 as civil indemnity. However, the Court deems it proper to increase the moral damages and exemplary damages to PHP 100,000.00 each pursuant to prevailing jurisprudence. The Court also finds it appropriate to grant temperate damages of PHP 50,000.00 considering that no documentary evidence of burial or funeral expenses was submitted in court.⁴⁰ Lastly, all the monetary awards shall earn legal interest at the rate of 6% per annum from finality of this Decision until full payment.⁴¹

On this point, the Court reminds that it will not flinch in sending callous persons rapacious of the flesh to the gallows especially those who commit unimaginable acts and even concoct tales, no matter how absurd, just to exculpate themselves.⁴²

ACCORDINGLY, the appeal is **DISMISSED**. The Decision dated September 15, 2015 of the Court of Appeals in CA-G.R. CR-HC. No. 06148 is **AFFIRMED** with **MODIFICATION** as to the award of damages. Accused-appellant Milo Leocadio y Labrador (Milo) is found **GUILTY** of rape with homicide and is sentenced to suffer the penalty of *reclusion perpetua* without eligibility for parole. Milo is also **DIRECTED** to pay the heirs of the victim the amounts of PHP 100,000.00 as civil indemnity, PHP 100,000.00 as moral damages, PHP 100,000.00 as exemplary damages, and PHP 50,000.00 as temperate damages, all with legal interest at the rate of 6% per annum from the finality of this Decision until full payment

³⁴ *People v. Orosco*, 757 Phil. 299, 310 (2015) [Per J. Villarama, Jr., Third Division], citing *People v. De Leon*, 608 Phil. 701, 721 (2009) [Per J. Peralta, Third Division].

³⁵ *People v. Abierra*, 833 Phil. 276, 289-290 (2018) [Per J. Reyes, Jr., Second Division].

³⁶ *People v. Espina*, 383 Phil. 656, 668 (2000) [Per J. Reyes, Jr., Second Division], citing *People v. Francisco*, 373 Phil. 733, 747 (1999) [Per J. Gonzaga-Reyes, Third Division]; *People v. Baniel*, 341 Phil. 471, 481 (1997) [Per J. Francisco, Third Division]; *People v. Patawaran*, 340 Phil. 259, 266 (1997) [Per J. Torres, Jr., Second Division]; and *People v. Henson*, 337 Phil. 318, 324 (1997) [Per J. Vitug, First Division].

³⁷ See paragraph 4, Article 266-B of the RPC.

³⁸ Entitled "AN ACT PROHIBITING THE IMPOSITION OF DEATH PENALTY IN THE PHILIPPINES," approved on June 24, 2006.

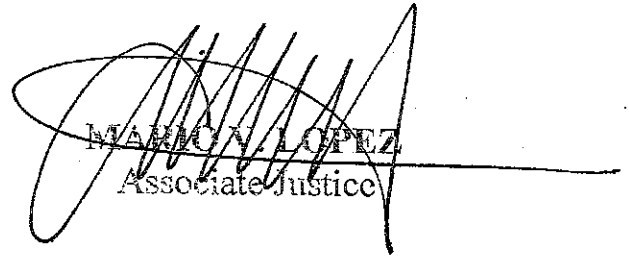
³⁹ See A.M. No. 15-08-02-SC, entitled "GUIDELINES FOR THE PROPER USE OF THE PHRASE 'WITHOUT ELIGIBILITY FOR PAROLE' IN INDIVISIBLE PENALTIES," approved on August 4, 2015.

⁴⁰ *People v. Jugueta*, 783 Phil. 806, 846-847 (2016) [Per J. Peralta, *En Banc*].

⁴¹ *Nacar v. Gallery Frames*, 716 Phil. 267, 282-283 (2013) [Per J. Peralta, *En Banc*].

⁴² *People v. Abulencia*, 415 Phil. 731, 735 (2001) [Per *Curiam*, *En Banc*].

SO ORDERED.




MARICELA LOPEZ
Associate Justice

WE CONCUR:



MARVIC M.V.F. LEONEN
Senior Associate Justice



AMY C. LAZARO-JAVIER
Associate Justice



JHOSEP Y. LOPEZ
Associate Justice



ANTONIO T. KHO, JR.
Associate Justice

ATTESTATION

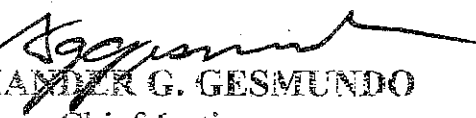
I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



MARVIC M.V.F. LEONEN
Senior Associate Justice
Chairperson, Second 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.



ALEXANDER G. GESMUNDO
Chief Justice

