



Republic of the Philippines  
Supreme Court  
Baguio City

SECOND DIVISION

PEOPLE OF THE G.R. No. 256253  
PHILIPPINES,

*Plaintiff-Appellee,*

- versus -

ROMEL VALE y PALMARIA,<sup>1</sup>  
*Accused-Appellant.*

Present:

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

Promulgated:

JAN 11 2023

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DECISION

KHO, JR., J.:

Before the Court is an ordinary appeal<sup>2</sup> filed by accused-appellant Romel Vale y Palmaria (Vale) assailing the Decision<sup>3</sup> dated February 24, 2020 of the Court of Appeals (CA) in CA-G.R. CR-HC No. 11547, which affirmed with modifications the Decision<sup>4</sup> dated May 25, 2018 of the Regional Trial Court of [REDACTED], Branch 63 (RTC) in Criminal Case No. 13-1924 convicting Vale of the crime of Rape under Article 266-A (1), in relation to Article 266-B, of the Revised Penal Code (RPC), as amended.

The Facts

The case emanated from an Information charging Vale with the crime of Rape, the accusatory portion of which reads:

<sup>1</sup> "Palamaría" in some parts of the records.

<sup>2</sup> See Notice of Appeal (with Compliance) dated March 12, 2020; *rollo*, pp. 17-18.

<sup>3</sup> *Id.* at 4-16. Penned by Associate Justice Japar B. Dimaampao (now a Member of the Court), with Associate Justices Louis P. Acosta and Tita Marilyn B. Payoyo-Villordon concurring.

<sup>4</sup> CA *rollo*, pp. 61-87. Penned by Presiding Judge Pedro M. Redoña.

File

That on or about 4:00 PM on October 2, 2013 at [REDACTED], and within the jurisdiction of this honorable court, the above-named accused, by means of force and intimidation, did then and there willfully, unlawfully and feloniously has [sic] carnal knowledge with one [AAA256253<sup>5</sup>], 9 years old, without her consent and against her will, to her damage and prejudice.

ACTS CONTRARY TO LAW.  
NO BAIL RECOMMENDED[.]<sup>6</sup>

The prosecution alleged that on the afternoon of October 2, 2013, AAA256253 was on her way to purchase dye for her mother when she was suddenly grabbed by a man who covered her mouth and dragged her toward an isolated grassy area. The man removed AAA256253's pants and tied them around her neck, causing her to lose consciousness. After regaining consciousness, AAA256253 walked home half-naked, with her pants still tied around her neck. AAA256253's mother then saw her, noticing that AAA256253's eyes were red and her vagina was oozing blood. When asked what happened, AAA256253 related the incident and described her assailant as the man residing near the farm. AAA256253 was later brought by her mother to the Barangay Captain to inform him of the incident and to ask for assistance, and thereafter to the hospital. It was at the hospital where AAA256253 positively identified Vale as her attacker after the latter was brought there by several barangay officials.<sup>7</sup>

Upon treatment and examination at the hospital, AAA256253 was found to have an infra-orbital contusion hematoma on her left eye, swelling in her chin, strangulation markings on her neck, and a fresh laceration in her vagina.<sup>8</sup>

In defense, Vale denied the allegations against him. He claimed that on October 2, 2013, he was at their farm until 10:00 a.m., after which he went home. He asserted that he was at home with his wife until 10:00 p.m. of the same date, and only went out of his house to check the *palay* he was sun-drying. By 10:00 p.m., he contended that several barangay officials went to

<sup>5</sup> The identity of the victim or any information which could establish or compromise her identity, as well as those of her immediate family or household members, shall be withheld pursuant to RA 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 9262, entitled "AN ACT DEFINING VIOLENCE AGAINST WOMEN AND THEIR CHILDREN, PROVIDING FOR PROTECTIVE MEASURES FOR VICTIMS, PRESCRIBING PENALTIES THEREFORE, AND FOR OTHER PURPOSES," approved on March 8, 2004; and Section 40 of A.M. No. 04-10-11-SC, otherwise known as the "RULE ON VIOLENCE AGAINST WOMEN AND THEIR CHILDREN" (November 15, 2004). See footnote 4 in *People v. Cadano, Jr.*, 729 Phil. 576, 578 (2014) [Per J. Perlas-Bernabe, Second Division], citing *People v. Lomaque*, 710 Phil. 338, 342 (2013) [Per J. Del Castillo, Second Division]. See also Amended Administrative Circular No. 83-2015, 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," dated September 5, 2017.

<sup>6</sup> Records, p. 1.

<sup>7</sup> *Rollo*, pp. 5-6; *CA rollo*, pp. 62-65, 74-75, 77-78, and 81.

<sup>8</sup> *Rollo*, pp. 5-6; *CA rollo*, pp. 68-69.

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his house and invited him to the barangay hall. He was, however, brought to the hospital where AAA256253 identified him as the one who raped her.<sup>9</sup>

### The RTC Ruling

In a Decision<sup>10</sup> dated May 25, 2018, the RTC found Vale **guilty** beyond reasonable doubt of the crime of Rape of a minor in relation to Republic Act No. (RA) 7610,<sup>11</sup> sentencing him to suffer the penalty of *reclusion perpetua*. The RTC further directed Vale to pay AAA256253 civil indemnity, moral damages, and exemplary damages at ₱100,000.00 each, as well as the costs of the suit.<sup>12</sup> The dispositive portion of the RTC Decision reads:

**WHEREFORE**, premises considered, the court finds herein accused Romel Vale Y Palmaria **GUILTY** beyond reasonable doubt of the crime of rape of a minor in relation to RA 7610 and is hereby sentenced to suffer the penalty of *reclusion perpetua* and ordered to pay [AAA256253] the amounts of:

- 1) Php 100,000.00 as civil indemnity;
- 2) Php 100,000.00 as moral damages;
- 3) Php 100,000.00 as exemplary damages and
- 4) the costs of the suit, with legal interest from the date of filing of the information until fully paid.

SO ORDERED.<sup>13</sup>

The RTC gave full faith and credit to the clear, simple, and straightforward testimony of AAA256253, and ruled that Vale's bare, unsubstantiated denial will not prevail over his positive identification by AAA256253 as the perpetrator of the crime. It noted that the demeanor of AAA256253 made her testimony believable, and more so that it was substantiated by the medico-legal report and the testimony of the physician who examined her. The RTC further noted that there was no proof that AAA256253 had any ill-motive to testify against Vale.<sup>14</sup>

Undeterred, Vale appealed<sup>15</sup> to the CA.

<sup>9</sup> *Rollo*, p. 6; *CA rollo*, pp. 78 and 80-81.

<sup>10</sup> *CA rollo*, pp. 61-87.

<sup>11</sup> Entitled "AN ACT PROVIDING FOR STRONGER DETERRENCE AND SPECIAL PROTECTION AGAINST CHILD ABUSE, EXPLOITATION AND DISCRIMINATION, PROVIDING PENALTIES FOR ITS VIOLATION, AND FOR OTHER PURPOSES," approved on June 17, 1992.

<sup>12</sup> *CA rollo*, pp. 86-87.

<sup>13</sup> *Id.*

<sup>14</sup> *Id.* at 82-83.

<sup>15</sup> See Notice of Appeal dated July 16, 2018; *id.* at 13.

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### The CA Ruling

In a Decision<sup>16</sup> dated February 24, 2020, the CA **affirmed** Vale's conviction with modifications, decreasing the award of civil indemnity, moral damages, and exemplary damages to ₱75,000.00 each.<sup>17</sup> The decretal portion of the CA Decision reads as follows:

**WHEREFORE**, the instant *Appeal* is hereby **DENIED**. The *Decision* dated 25 May 2018 of the Regional Trial Court [REDACTED], [REDACTED], is **AFFIRMED with MODIFICATIONS** in that accused-appellant Romel Vale y Palmaria is **ORDERED** to pay [AAA256253] the amounts of ₱75,000.00 by way of civil indemnity, ₱75,000.00 by way of moral damages, and ₱75,000.00 by way of exemplary damages. All damages awarded shall earn interest at the legal rate of six percent (6%) *per annum* from the date of finality of this *Decision* until full payment thereof.

**SO ORDERED.**<sup>18</sup>

The CA found no cogent reason to disturb the findings of the RTC in upholding the credibility of AAA256253. It agreed with the RTC that AAA256253, who was merely nine (9) years old at the time of the incident, narrated her traumatic experience in the hands of Vale clearly, simply, and straightforwardly. According to the CA, this positive and categorical testimony that she was sexually abused, coupled with the presence of hymenal laceration as contained in the medico-legal report, demonstrably established Vale's guilt beyond reasonable doubt.<sup>19</sup>

The CA rejected Vale's arguments that his identity as AAA256253's assailant was not clearly established<sup>20</sup> and that there was no evidence of sexual intercourse because AAA256253 was unconscious at the time of the incident.<sup>21</sup> As to Vale's identity, it noted, *first*, that AAA256253 did have an opportunity to see Vale when she was abducted on her way to the store, and *second*, that she was able to describe Vale as the person who had a farm near their house, with Vale being the only one residing in that house. Anent the existence of the element of sexual congress, the CA held that the prosecution has convincingly established that it was Vale who grabbed and dragged AAA256253 to an isolated grassy area and the one who took off her pants and strangled her with it; that after AAA256253 woke up, she found herself without underwear, felt pain in her vagina, and that blood oozed therefrom; and that AAA256253 sustained a hymenal laceration. These, per the CA,

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<sup>16</sup> *Rollo*, pp. 4-16.

<sup>17</sup> *Id.* at 14-15.

<sup>18</sup> *Id.* at 15.

<sup>19</sup> *Id.* at 8-13.

<sup>20</sup> *CA rollo*, pp. 48-54.

<sup>21</sup> *Id.* at 54-57.

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established an unbroken chain of circumstances that lead to no other legal conclusion except that Vale committed the crime and is guilty thereof.<sup>22</sup>

Further, the CA rebuffed Vale's contention that the RTC did not acquire jurisdiction over the case because the Information charging him with Rape was legally defective as it did not bear the signature of the Provincial Prosecutor of Camarines Sur.<sup>23</sup> The CA ruled that Vale's reliance on the rulings in *Quisay v. People*<sup>24</sup> (*Quisay*) and *Maximo v. Villapando, Jr.*<sup>25</sup> (*Maximo*) is misplaced since the factual antecedents in both cases are different from his case, as he never questioned the issue of lack of jurisdiction before the RTC, and only brought it up when judgment was rendered against him. The CA opined that while lack of jurisdiction may be questioned at any stage of the proceedings, the defense must be seasonably raised at the earliest possible opportunity, for otherwise, active participation in the trial would estop a party from later challenging the want of jurisdiction.<sup>26</sup>

Hence, this appeal.<sup>27</sup>

### The Issues Before the Court

The two principal issues for the Court's resolution are:

- (a) Whether or not the RTC lacked jurisdiction over the case; and
- (b) Whether or not Vale is guilty beyond reasonable doubt of Rape under Article 266-A (1), in relation to Article 266-B, of the RPC.

Vale, in reiterating his arguments on appeal,<sup>28</sup> maintains that the trial court gravely erred in not finding that it lacked jurisdiction over the case.<sup>29</sup> He points out once more that the Information filed in this case did not even bear the signature of the Provincial Prosecutor of Camarines Sur,<sup>30</sup> which is clearly contrary to the requirement under Section 4, Rule 112<sup>31</sup> of the Rules of Court.

<sup>22</sup> *Rollo*, pp. 13-14.

<sup>23</sup> *Id.* at 7-8.

<sup>24</sup> 778 Phil. 481 (2016) [Per J. Perlas-Bernabe, First Division].

<sup>25</sup> 809 Phil. 843 (2017) [Per J. Peralta, Second Division].

<sup>26</sup> *Rollo*, p. 8.

<sup>27</sup> *Id.* at 17-18.

<sup>28</sup> See Manifestation (In Lieu of Supplemental Brief) dated April 25, 2022; *id.* at 38-40.

<sup>29</sup> *CA rollo*, p. 44.

<sup>30</sup> *Id.* at 46-47.

<sup>31</sup> The provision states:

**Section 4. Resolution of investigating prosecutor and its review.** — If the investigating prosecutor finds cause to hold the respondent for trial, he shall prepare the resolution and information. He shall certify under oath in the information that he, or as shown by the record, an authorized officer, has personally examined the complainant and his witnesses; that there is reasonable ground to believe that a crime has been committed and that the accused is probably guilty thereof; that the accused was informed of the complaint and of the evidence submitted against him; and that he was given an opportunity to submit controverting evidence. Otherwise, he shall recommend the dismissal of the complaint.

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Vale insists that the prior written authority or approval of the provincial prosecutor is an essential requirement for the filing of the Information, and its absence is a legal defect and a jurisdictional infirmity that renders the case vulnerable to dismissal<sup>32</sup> pursuant to the rulings in *Quisay*, *Maximo*, and *People v. Garfin*<sup>33</sup> (*Garfin*).

On the merits, Vale contends that the prosecution failed to prove that he is the perpetrator of the crime.<sup>34</sup> He avers that there was no testimony from the victim as to how she was able to have the opportunity to view her assailant at the time of the crime, or as to any distinguishing facial or physical features which made her certain of her assailant's identification. He once more asserts that the victim did not even know the name of her assailant, and that it was only the victim's mother who assumed that it was him to whom the victim was referring to. Vale moreover opines that assuming he was the one who grabbed and pulled the victim to the grassy area, it does not necessarily follow that he was also the perpetrator of the rape. Vale submits that since AAA256253 lost consciousness and therefore was unable to see or identify him beyond reasonable doubt as the one who raped her, or that he was the assailant who inserted his penis into her vagina, then the most important element necessary to sustain a conviction for rape — that the accused had carnal knowledge of the victim — is not present in this case, adding that the removal of the victim's pants or her underwear does not prove carnal knowledge.<sup>35</sup>

The People, through the Office of the Solicitor General (OSG), similarly repleaded its contentions against Vale's appeal.<sup>36</sup> First, the OSG submits that the investigating prosecutor who conducted the inquest proceedings had the authority to sign the Information with the approval of the

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Within five (5) days from his resolution, he shall forward the record of the case to the provincial or city prosecutor or chief state prosecutor, or to the Ombudsman or his deputy in cases of offenses cognizable by the Sandiganbayan in the exercise of its original jurisdiction. They shall act on the resolution within ten (10) days from their receipt thereof and shall immediately inform the parties of such action.

**No complaint or information may be filed or dismissed by an investigating prosecutor without the prior written authority or approval of the provincial or city prosecutor or chief state prosecutor or the Ombudsman or his deputy.**

Where the investigating prosecutor recommends the dismissal of the complaint but his recommendation is disapproved by the provincial or city prosecutor or chief state prosecutor or the Ombudsman or his deputy on the ground that a probable cause exists, the latter may, by himself, file the information against the respondent, or direct any other assistant prosecutor or state prosecutor to do so without conducting another preliminary investigation.

If upon petition by a proper party under such rules as the Department of Justice may prescribe or *motu proprio*, the Secretary of Justice reverses or modifies the resolution of the provincial or city prosecutor or chief state prosecutor, he shall direct the prosecutor concerned either to file the corresponding information without conducting another preliminary investigation, or to dismiss or move for dismissal of the complaint or information with notice to the parties. The same rule shall apply in preliminary investigations conducted by the officers of the Office of the Ombudsman. (Emphasis and underscoring supplied)

<sup>32</sup> CA rollo, pp. 44-46.

<sup>33</sup> 470 Phil. 211 (2004) [Per J. Puno, Second Division].

<sup>34</sup> CA rollo, p. 48.

<sup>35</sup> Id. at 51-56.

<sup>36</sup> See Manifestation (In Lieu of Supplemental Brief) dated March 23, 2022; rollo, pp. 31-33.

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provincial prosecutor. In addition, it points out that Vale never questioned the jurisdiction of the court, the infirmity in the Information, or the authority of the prosecutor who signed the same before the RTC, raising this matter only for the first time on appeal. *Second*, the OSG avers that the prosecution was able to establish the identity of AAA256253's assailant as Vale, since the former positively identified the latter as the person who grabbed her that day and was able to describe him to her mother even after her ordeal — despite not knowing his name — as the man living in the lone house in the rice field. It stressed that the record particularly established that no other person resided in the said house except Vale. *Last*, the OSG maintains that the elements of the crime of Rape were proven even though AAA256253 was unconscious during the commission of the crime since the circumstantial evidence formed an unbroken chain that unerringly showed it was Vale, and no other, who raped AAA256253. The OSG highlighted the fact that Vale was the last person the victim saw before she passed out, noting in that regard AAA256253's clear and credible testimony that it was Vale who grabbed and dragged her to the grassy area and that it was Vale who took off her pants and strangled her with it, which rendered her unconscious.<sup>37</sup>

### The Court's Ruling

The appeal is devoid of merit.

#### I.

On the threshold issue of jurisdiction, the Court finds it erroneous for Vale to claim that the RTC lacked jurisdiction over his case owing to the alleged absence of a prior written authority or approval of the provincial or city prosecutor in the filing of the Information against him.<sup>38</sup> It must be emphasized in this regard that in *Villa Gomez v. People*<sup>39</sup> (*Villa Gomez*), the Court, through now Chief Justice Alexander G. Gesmundo, has already revisited the said doctrine as previously laid down in *Quisay, Maximo, Garfin*, and other similar cases.<sup>40</sup> In *Villa Gomez*, the Court categorically **abandoned** previous doctrine that divests courts of jurisdiction over the accused and the subject matter in a criminal action if an Information filed in court lacks the signature and approval of the provincial, city, or chief state prosecutor, since the lack of prior written authority or approval on the face of the Information by the prosecuting officers authorized to approve and sign the same has nothing to do with a trial court's acquisition of jurisdiction in a criminal case.<sup>41</sup>

<sup>37</sup> Id. at 119-127.

<sup>38</sup> Id. at 44-48.

<sup>39</sup> G.R. No. 216824, November 10, 2020. See also *Radaza v. Sandiganbayan*, G.R. No. 201380, August 4, 2021 [Per J. Hernando, Second Division]; and *Philippine National Bank v. Oaminal*, G.R. No. 219325, February 17, 2021 [Per J. Gaerlan, First Division].

<sup>40</sup> See also *Tolentino v. Paqueo, Jr.*, 551 Phil. 355 (2007) [Per J. Azcuna, First Division]; *Turingan v. Garfin*, 549 Phil. 903 (2007) [Per J. Corona, First Division]; and *Villa v. Hon. Ibañez*, 88 Phil. 402 (1951) [Per J. Tuason, *En Banc*].

<sup>41</sup> See *Villa Gomez v. People*, *supra*.

The Court emphasized that jurisdiction springs from substantive law, whereas a government officer's authority to sue is a matter of mere form and procedure — and therefore, the latter is but a purely technical infirmity that is never determinative of a court's jurisdiction. It, in no case, should prevent the court from acquiring jurisdiction over the offense or the person of the accused.<sup>42</sup>

Thus, according to *Villa Gomez*, the third paragraph of Section 4, Rule 112 of the Rules of Court, which provides that no complaint or information may be filed by an investigating prosecutor without the prior written authority or approval of the provincial or city prosecutor:

[M]erely provides the guidelines on **how** handling prosecutors, who are subordinates to the provincial, city or chief state prosecutor, should **proceed** in formally charging a person imputed with a crime before the courts. It neither provides for the power or authority of courts to take cognizance of criminal cases filed before them nor imposes a condition on the acquisition or exercise of such power or authority to try or hear the criminal case. Instead, it simply **imposes** a **duty** on investigating prosecutors to first secure a "prior authority or approval" from the provincial, city or chief state prosecutor before filing an Information with the courts. Thus, non-compliance with Sec. 4 of Rule 112 on the duty of a handling prosecutor to secure a "prior written authority or approval" from the provincial, city or chief state prosecutor merely affects the "standing" of such officer "to appear for the Government of the Philippines" as contemplated in Sec. 33 of Rule 138.

Moreover, the Court deems it fit to emphasize that, since rules of procedure are not ends in themselves, courts may still brush aside procedural infirmities in favor of resolving the merits of the case. Correlatively, since legal representation before the courts and quasi-judicial bodies is a matter of procedure, any procedural lapse pertaining to such matter may be deemed waived when no timely objections have been raised. This means that the failure of an accused to question the handling prosecutor's authority in the filing of an Information will be considered as a valid waiver and courts may brush aside the effect of such procedural lapse.

In effect, the operative consequence of filing of an Information without a prior written authority or approval from the provincial, city or chief state prosecutor is that the handling prosecutor's representation as counsel for the State may not be recognized by the trial court as sanctioned by the procedural rules enforced by this Court pursuant to its constitutional power to promulgate rules on pleading, practice[,] and procedure. Courts are not bound by the internal procedures of the Executive Branch, most especially by its hierarchy of prosecution officers. Rightly so because, as pointed out earlier, the prosecution of crimes lies with the Executive Branch of the government whose principal power and responsibility is to see that the laws of the land are faithfully executed.

The Court is certain that the purpose of R.A. No. 5180, as well as Sec. 4, Rule 112 of the Rules of Court, is neither to cripple nor to divest duly appointed prosecutors from performing their constitutional and

<sup>42</sup> *Radaza v. Sandiganbayan*, supra.

statutory mandate of prosecuting criminal offenders but to prevent a situation where such powerful attribute of the State might be abused and indiscriminately wielded or be used as a tool of oppression by just any prosecutor for personal or other reasons. Holding fewer top officials in the prosecutorial service accountable on command responsibility exhorts, if not ensures, the implementation of supervisory safeguards and policies, especially in instances when indictments with deficient indications of probable cause are allowed to reach the courts to the detriment of an otherwise blameless accused.

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x x x [A] handling prosecutor who files an Information despite lack of authority but without any *indicia* of bad faith or criminal intent will be considered as a mere de facto officer clothed with the color of authority and exercising valid official acts. In other words, the lack of authority on the part of the handling prosecutor may either result in a valid filing of an Information if not objected to by the accused or subject the former to a possible criminal or administrative liability—but it does not prevent the trial court from acquiring jurisdiction over the subject matter or over the person of the accused.<sup>43</sup>

Consequently, the requirement for a handling prosecutor to secure a prior written authority or approval from the provincial, city, or chief state prosecutor before filing an Information with the courts **may be waived by the accused through** silence, acquiescence, or **failure to raise such ground during arraignment or before entering a plea**, as what happened in this case and as correctly argued by the OSG. This is so because **the supposed jurisdictional infirmity or deficiency alluded to by Vale is merely formal in nature and can be cured at any stage of the proceedings in a criminal case**. Pursuant to *Villa Gomez*, therefore, the Court holds that the RTC properly acquired jurisdiction over the Information which charged Vale with the crime of Rape, even if it be assumed that the prosecutor had not secured prior written authority or approval from the provincial or city prosecutor to file the same.

As the RTC had jurisdiction over the case, it henceforth had the requisite authority to hear, try, and convict Vale for the crime he was charged with under the Information, as it did.

## II.

The crime of Rape under Article 266-A (1) (d) in relation to Article 266-B of the RPC — usually called Statutory Rape — is defined in our statute books as follows:

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

<sup>43</sup> See *Villa Gomez v. People*, supra note 39; emphasis in the original and citations omitted.

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

x x x x

(d) When the offended party is under twelve (12) years of age or is demented, even though none of the circumstances mentioned above be present.

x x x x

Statutory Rape is committed when the prosecution proves that: **(1)** the offended party is under 12 years of age; and **(2)** the accused had carnal knowledge of the victim, *regardless* of whether there was force, threat, intimidation, or grave abuse of authority. It is enough that the age of the victim is proven and that there was sexual intercourse.<sup>44</sup>

All the foregoing elements are present in this case.

The first element was proven by the birth certificate of AAA256253 as submitted in evidence by her mother during trial.<sup>45</sup> Her birth certificate shows that she was just nine (9) years old at the time the crime was committed—and therefore below twelve (12) years of age, as provided under Article 266-A (1) (d).

The second element was proven, as the CA has found, by the categorical testimony of AAA256253 that it was Vale who grabbed her and dragged her to an isolated grassy area, that Vale removed her pants and tied them around her neck until she lost consciousness, that after waking up she already had no underwear, and that she felt pain in her vagina with blood oozing therefrom. These circumstances concur with the Medico Legal report and the testimony of the examining physician that AAA256253 sustained a hymenal laceration.<sup>46</sup> While the evidence is circumstantial, the CA is correct that the same is sufficient and competent to warrant the conviction of Vale for rape.

The Court, like the CA, rejects Vale's contention that just because AAA256253 lost consciousness then there is already no evidence of carnal knowledge or that he sexually molested AAA256253.<sup>47</sup> The Court has time and again held that direct evidence is not the only means of proving rape beyond reasonable doubt,<sup>48</sup> and the fact that AAA256253 did not see or felt Vale insert his penis into her vagina did not render her claim of rape an

<sup>44</sup> *People v. Ronquillo*, 818 Phil. 641, 648 (2017) [Per J. Martires, Third Division], citing *People v. Deliola*, 794 Phil. 194, 205 (2016) [Per J. Perez, Third Division].

<sup>45</sup> See Certificate of Live Birth; records, p. 41. See also CA rollo, p. 72.

<sup>46</sup> Records, p. 9. See also CA rollo, p. 69.

<sup>47</sup> CA rollo, pp. 54-57.

<sup>48</sup> *People v. Belgar*, 742 Phil. 404, 415 (2014) [Per J. Bersamin, First Division].

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impossibility or exculpate Vale from criminal liability. In several cases even, the Court has affirmed the conviction of an accused for rape even if the victim never testified in court.<sup>49</sup>

Jurisprudence is replete with cases of rape where the victim was unconscious, but the accused was nevertheless found guilty on the basis of circumstantial evidence.<sup>50</sup> Circumstantial evidence of rape is usually necessary because the crime is generally unwitnessed and very often only the victims are left to testify for themselves.<sup>51</sup> On this score, the Court has consistently held that sufficient and competent circumstantial evidence may warrant the conviction of the accused of rape, provided that: (a) there was more than one circumstance; (b) the facts from which the inferences were derived were proved; and (c) the combination of all the circumstances was such as to produce a conviction beyond reasonable doubt.<sup>52</sup> Here, as deftly explained by the CA, the unbroken chain of circumstances was so credible that it led to no other conclusion but that the elements of the crime exist, and that the perpetrator was Vale.<sup>53</sup>

Vale cites the rulings in *People v. Tayag*<sup>54</sup> (*Tayag*) and *People v. Dagante*<sup>55</sup> (*Dagante*) to justify his thesis that there was no evidence of carnal knowledge in this case. The rulings in these cases, however, do not apply here. In *Tayag*, the Court ruled that the evidence proffered was inadequate to prove that the alleged victim was raped, finding that the testimony of the victim, *along with the medico-legal report*, did not establish that there was penetration by the sex organ of the accused or that he tried to penetrate her because the victim's hymen was intact.<sup>56</sup> In *Dagante*, meanwhile, the evidence presented by the prosecution was found by the Court to be conflicting and unconvincing, pointing out that the examining physician testified *that the vaginal laceration of the victim was old*.<sup>57</sup> Significantly, while the holding in *Tayag* did state that the "[r]emoval of underwear, a reddening hymen, an aching private part and blood on the underwear do not prove carnal knowledge," the ruling also very clearly stated that "**considering the age of the victim, who was nine (9) years old, and the condition of her hymen, which was intact, there should be laceration if there was penetration by an adult male sex organ.**"<sup>58</sup> The Court highlights, here, that

<sup>49</sup> See *People v. Loma*, G.R. No. 236544, October 5, 2020 [Per J. Gaerlan, Third Division], citing *People v. Lupac*, 695 Phil. 505 (2012) [Per J. Bersamin, First Division]; *People v. Villarama*, 445 Phil. 323 (2003) [Per J. Corona, *En Banc*]; and *People v. Velasquez*, 405 Phil. 74 (2001) [Per J. Mendoza, *En Banc*].

<sup>50</sup> See *People v. Coja*, 578 Phil. 169, 181-182 (2008) [Per J. Tinga, Second Division], citing *People v. Sabardan*, 472 Phil. 886 (2004) [Per J. Callejo, Sr., Second Division]; *People v. Gaufo*, 469 Phil. 66 (2004) [Per J. Sandoval-Gutierrez, *En Banc*]; and *People v. Perez*, 366 Phil. 741 (1999) [Per J. Gonzaga-Reyes, Third Division].

<sup>51</sup> *People v. ZZZ*, G.R. No. 228828, July 24, 2019 [Per J. Leonen, Third Division].

<sup>52</sup> See *People v. Loma*, *supra*; *People v. Belgar*, *supra* at 415-416; and *People v. ZZZ*, *id.*

<sup>53</sup> See *Planteras, Jr. v. People*, G.R. No. 238889, October 3, 2018 [Per J. Peralta, Third Division].

<sup>54</sup> 385 Phil. 1150 (2000) [Per J. Puno, First Division].

<sup>55</sup> 370 Phil. 751 (1999) [Per J. Panganiban, Third Division].

<sup>56</sup> *People v. Tayag*, *supra*.

<sup>57</sup> *People v. Dagante*, *supra*.

<sup>58</sup> *People v. Tayag*, *supra*.

not only was AAA256253 similarly nine (9) years of age at the time the crime was committed, but also that the examining physician did find that the laceration in AAA256253’s hymen was fresh.<sup>59</sup>

Noteworthy as well is the fact that AAA256253 was able to identify Vale as her assailant prior to her losing unconsciousness, and that he was the last person that she saw before she passed out — these, together with the lack of evidence on record which show that AAA256253 had ill-motives to impute that Vale committed the crime, brings the Court, as the courts *a quo* had, to the inescapable inference that Vale did rape AAA256253. In all, the Court holds that the commission of the rape was competently established although AAA256253 was unconscious during the commission of the act.

There is hence no cogent reason for the Court to reverse the finding of criminal liability against Vale, as there is no indication that the courts *a quo* overlooked, misunderstood, or misapplied the surrounding facts and circumstances of the case. It should be emphasized that the RTC was in the best position to assess and determine the credibility of the witnesses presented in this case, and hence, due deference should be accorded to the same.<sup>60</sup>

Vale’s criminal liability having been established, the Court now goes into the proper nomenclature of the crime that he committed, the imposable penalty, and his civil liability *ex delicto*.

In *People v. Tulagan*<sup>61</sup> (*Tulagan*), the Court, through Associate Justice Diosdado M. Peralta, threshed out the applicable laws and consequent penalties for the crimes of acts of lasciviousness or lascivious conduct and rape by carnal knowledge or sexual assault, depending on the age of the victim, in view of the provisions of paragraphs 1 and 2 of Article 266-A and Article 336 of the RPC, as amended by RA 8353, and Section 5 (b) of RA 7610. For this purpose, *Tulagan* provided a comprehensive table stating the proper nomenclature of crimes involving sexual abuse against children, to wit:<sup>62</sup>

| <div>Age of Victim:</div> <div>Crime Committed:</div> | Under 12 years old or demented | 12 years old or below 18, or 18 under special circumstances | 18 years old and above |
|-------------------------------------------------------|--------------------------------|-------------------------------------------------------------|------------------------|
| Acts of Lasciviousness                                | Acts of Lasciviousness         | Lascivious Conduct under Section 5 (b)                      | Not applicable         |

<sup>59</sup> *Rollo*, p. 6.

<sup>60</sup> See *Cahulogan v. People*, 828 Phil. 742, 749 (2018) [Per J. Perlas-Bernabe, Second Division], citing *Peralta v. People*, 817 Phil. 554, 563 (2017) [Per J. Perlas-Bernabe, Second Division].

<sup>61</sup> 849 Phil. 197 (2019) [*En Banc*].

<sup>62</sup> *Id.*

*KAC*

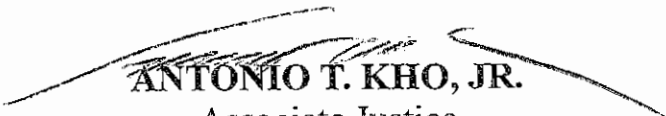
|                                                                                               |                                                                                                                                                                                          |                                                                                                                                |                                                                         |
|-----------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------|
| committed against children exploited in prostitution or other sexual abuse                    | under Article 336 of the RPC in relation to Section 5 (b) of RA 7610: <i>reclusion temporal</i> in its medium period                                                                     | of RA 7610: <i>reclusion temporal</i> in its medium period to <i>reclusion perpetua</i>                                        |                                                                         |
| Sexual Assault committed against children exploited in prostitution or other sexual abuse     | Sexual Assault under Article 266-A (2) of the RPC in relation to Section 5 (b) of RA 7610: <i>reclusion temporal</i> in its medium period                                                | Lascivious Conduct under Section 5 (b) of RA 7610: <i>reclusion temporal</i> in its medium period to <i>reclusion perpetua</i> | Not applicable                                                          |
| Sexual Intercourse committed against children exploited in prostitution or other sexual abuse | Rape under Article 266-A (1) of the RPC: <i>reclusion perpetua</i> , except when the victim is below 7 years old in which case death penalty shall be imposed                            | Sexual Abuse under Section 5 (b) of RA 7610: <i>reclusion temporal</i> in its medium period to <i>reclusion perpetua</i>       | Not applicable                                                          |
| Rape by carnal knowledge                                                                      | Rape under Article 266-A (1) in relation to Article 266-B of the RPC; <i>reclusion perpetua</i> except when the victim is below 7 years old in which case death penalty shall be imposed | Rape under Article 266-A (1) in relation to Article 266-B of the RPC: <i>reclusion perpetua</i>                                | Rape under Article 266-A (1) of the RPC: <i>reclusion perpetua</i>      |
| Rape through Sexual Assault                                                                   | Sexual Assault under Article 266-A (2) of the RPC in relation to                                                                                                                         | Lascivious Conduct under Section 5 (b) of RA 7610: <i>reclusion temporal</i> in its medium period                              | Sexual Assault under Article 266-A (2) of the RPC: <i>prision mayor</i> |

|  |                                                                                             |                                        |  |
|--|---------------------------------------------------------------------------------------------|----------------------------------------|--|
|  | Section 5 (b)<br>of RA 7610:<br><i>reclusion</i><br><i>temporal</i> in its<br>medium period | to <i>reclusion</i><br><i>perpetua</i> |  |
|--|---------------------------------------------------------------------------------------------|----------------------------------------|--|

Pursuant to *Tulagan*, and further considering the statutory nature of the Rape committed by Vale, the proper nomenclature of the crime that he committed is “*Rape under Article 266-A (1) in relation to Article 266-B of the RPC*,” which has the prescribed penalty of *reclusion perpetua*. In light of the inapplicability of the Indeterminate Sentence Law,<sup>63</sup> the absence of any modifying circumstances, and the directive under A.M. No. 15-08-02-SC,<sup>64</sup> Vale should be sentenced to suffer the penalty of *reclusion perpetua*. Finally, and also in accordance with *Tulagan*, Vale should be ordered to pay AAA256253 civil indemnity, moral damages, and exemplary damages at ₱75,000.00 each,<sup>65</sup> all of which shall earn legal interest at the rate of six percent (6%) per annum from finality of the ruling until full payment.<sup>66</sup>

**ACCORDINGLY**, the appeal is **DISMISSED**. The Decision of the Court of Appeals dated February 24, 2020 in CA-G.R. CR-HC No. 11547 is hereby **AFFIRMED with MODIFICATION**. Accused-appellant Romel Vale y Palmaria is found **GUILTY** beyond reasonable doubt of Rape under Article 266-A (1) in relation to Article 266-B of the Revised Penal Code and is hereby sentenced to suffer the penalty of *reclusion perpetua*. Further, he is ordered to pay AAA256253 the amounts of ₱75,000.00 as civil indemnity, ₱75,000.00 as moral damages, and ₱75,000.00 as exemplary damages, all of which shall earn legal interest at the rate of six percent (6%) *per annum* from the date of the finality of this Decision until full payment.

**SO ORDERED.**

  
**ANTONIO T. KHO, JR.**  
Associate Justice

<sup>63</sup> Act No. 4103, entitled “AN ACT TO PROVIDE FOR AN INDETERMINATE SENTENCE AND PAROLE FOR ALL PERSONS CONVICTED OF CERTAIN CRIMES BY THE COURTS OF THE PHILIPPINE ISLANDS; TO CREATE A BOARD OF INDETERMINATE SENTENCE AND TO PROVIDE FUNDS THEREFOR; AND FOR OTHER PURPOSES.”

<sup>64</sup> Entitled “GUIDELINES FOR THE PROPER USE OF THE PHRASE ‘WITHOUT ELIGIBILITY FOR PAROLE’ IN INDIVISIBLE PENALTIES” (August 4, 2015).

<sup>65</sup> *People v. Tulagan*, supra note 61. See also *People v. Jugueta*, 783 Phil. 806, 848-849 (2016) [Per J. Peralta, *En Banc*].

<sup>66</sup> *People v. Tulagan*, id.

**WE CONCUR:**

**MARVIC M.V.F. LEONEN**  
Senior Associate Justice  
Chairperson



**AMY C. LAZARO-JAVIER**  
Associate Justice



**MARIO V. LOPEZ**  
Associate Justice



**JHOSEP R. LOPEZ**  
Associate Justice

**ATTESTATION**

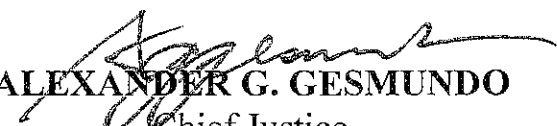
I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



**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

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