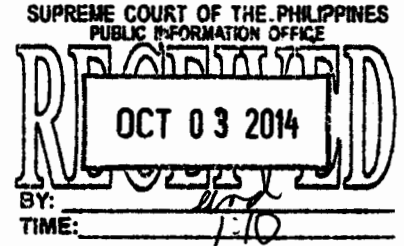




Republic of the Philippines  
Supreme Court  
Manila  
FIRST DIVISION



NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated **September 8, 2014** which reads as follows:*

**“G.R. No. 188325 – PEOPLE OF THE PHILIPPINES, Plaintiff-Appellee, v. JOEL VELOSO ROSALES, Accused-Appellant.**

Joel Veloso Rosales hereby seeks the reversal of his conviction for rape by the Regional Trial Court (RTC), Branch 61, in Gumaca, Quezon,<sup>1</sup> which the Court of Appeals (CA) affirmed through its decision promulgated on July 29, 2008.<sup>2</sup>

The information filed in the RTC on January 22, 2002 alleged thusly:

That on or about the 26<sup>th</sup> day of February 2001, at x x x, Municipality of San Francisco, Province of Quezon, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with lewd design, armed with a pointed instrument, by means of force, violence, threats and intimidation, did then and there, willfully, unlawfully and feloniously have carnal knowledge of one AAA,<sup>3</sup> a married woman, against her will.

<sup>1</sup> CA rollo, pp. 20-41.

<sup>2</sup> Rollo, pp. 2-17; penned by Associate Justice Jose Catral Mendoza (now a Member of the Court) with Associate Justice Andres B. Reyes, Jr. (now Presiding Justice) and Associate Justice Sesinando E. Villon concurring.

<sup>3</sup> Pursuant to Republic Act No. 9262, otherwise known as the Anti-Violence Against Women and Their Children Act of 2004, and its implementing rules, the real names of the victims, as well as those of their immediate family or household members, are withheld and fictitious initial instead are used to represent them, to protect their privacy. See *People v. Cabalquinto*, G..R. No. 167693, September 19, 2006, 502 SCRA 419.

- over – six (6) pages .....



That the accused is the nephew of the complaining witness.

CONTRARY TO LAW.<sup>4</sup>

At the trial, the victim AAA testified that the rape had occurred at around 2:00 in the morning on February 26, 2001; that as she was lying in bed she sensed that someone had put out the light in the kitchen which had adjoined her room; that suddenly someone had lifted her mosquito net and had immediately gone on top of her; that she had felt something poked at the left side of her chest, and she had then heard the voice of the assailant saying: *Huwag kang papalag, kundi papatayin kita*; that she had later recognized the assailant to be the accused after the t-shirt he had used to cover his face had come off, and because of the slight illumination coming from the living room; that she had pleaded for him to stop, but to no avail, for, instead, he had menacingly threatened her, uttering: *Putang-ina, wag kang maingay, papatayin kita*; that he had then kissed her, mashed her breasts, removed her shorts and panties, and had then forced himself into her;<sup>5</sup> that while he was in the process of committing the rape, she had asked him to let her urinate; that when he had allowed her to relieve herself, she had then run at once to her cousin's house without any undergarments, covering her body only with a blanket; and that her cousin had later gone with her to report the rape to the police station.

On his part, the accused denied the accusation. He insisted that on the night of February 25, 2001 he was in a drinking spree with his cousin, BBB, the son of the victim, at the latter's residence; that they finished drinking at about midnight, and went to the plaza, where the victim was attending a dance; that BBB gave to the victim the key to the restaurant where she lived; that they went back to BBB's residence; that at about 2:00 in the morning of February 26, 2001, his mother and sister arrived with some police officers; that the police officers brought him to the police station; that BBB was also present in the police station, but the police officers ordered BBB to leave the investigation room; and that the victim appeared and accused him of attempted rape.<sup>6</sup>

On September 8, 2005, the RTC convicted the accused of rape, to wit:

WHEREFORE AND IN VIEW OF ALL THE FOREGOING, the court finds accused Joel Rosales guilty beyond reasonable doubt of the crime of Rape defined and punished under Article 266-A and 266-B of the Revised Penal Code as amended by R.A. 83353 and he is

<sup>4</sup> Id. at 2-3.

<sup>5</sup> *Rollo*, p. 3.

<sup>6</sup> Id. at 4.

hereby sentenced to Reclusion Perpetua and in addition he is ordered to pay the victim ₱50,000 as civil indemnity and ₱50,000 as moral damages.

SO ORDERED.<sup>7</sup>

On appeal, the accused insisted on his innocence. On July 29, 2008, however, the CA affirmed the conviction, disposing thusly:

WHEREFORE, the September 8, 2005 Decision of the Regional Trial Court, Branch 61, Gumaca, Quezon, Criminal Case No. 7175-G, is hereby AFFIRMED.

SO ORDERED.<sup>8</sup>

Hence, this appeal.

We find no reversible error in the decision of the CA.

Three principles guide the courts in resolving rape cases, namely: (a) an accusation for rape can be made with facility; it is difficult to prove, but more difficult for the accused, though innocent, to disprove; (b) in view of the intrinsic nature of the crime of rape in which only two persons are usually involved, the testimony of the victim must be scrutinized with extreme caution; and (c) the evidence for the Prosecution must stand or fall on its own merits, and cannot be allowed to draw strength from the weakness of the evidence for the Defense.<sup>9</sup>

In the determination of guilt for the crime of rape, primordial is the credibility of the victim's testimony, because, in rape cases, the accused may be convicted solely on the testimony of the victim, provided it is credible, natural, convincing and consistent with human nature and the normal course of things.<sup>10</sup> This is because no woman would go through the process and humiliation of a trial unless she had been the victim of the sexual abuse, and her only motive was to seek and obtain justice for herself and her honor. Thus, when she says she had been raped, she says, in effect, all that is necessary to prove that rape was, indeed, committed.<sup>11</sup>

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<sup>7</sup> CA rollo, p. 41.

<sup>8</sup> Rollo, p. 16.

<sup>9</sup> *People v. Dalisay*, G.R. No. 188106, November 25, 2009, 605 SCRA 807, 814.

<sup>10</sup> Id.

<sup>11</sup> *People v. Tubat*, G.R. No. 183093, February 1, 2012, 664 SCRA 712, 720.

The foregoing guidelines are applicable herein because the victim was closely related to the accused, he being the son of her very own sister. The CA correctly observed that, indeed, AAA would not have formally charged him with raping her and thereby expose herself to public ridicule and shame unless the charge was true.<sup>12</sup> The fact that she denounced the rape immediately after its commission was really a strong confirmation of the credibility of her charge against him, for that indicated her having no time to concoct the rape charge.

Moreover, the denial of the charge by the accused did not supplant her positive identification of him as the rapist. Denial, being inherently weak because it was easy to make up, was unreliable. If unsubstantiated by clear and convincing evidence, denial as a defense constituted a negative and self-serving testimony devoid of any evidentiary value greater than that accorded to the testimony on affirmative matters by a credible witness like AAA.<sup>13</sup>

We note that the RTC and the CA allowed to AAA only civil indemnity and moral damages. That was error, because they should have also granted exemplary damages to her because the records indicated the attendance of several aggravating circumstances during the commission of the rape. Among such circumstances were the use of the deadly weapon in cowering her to submit to him, and their relationship by consanguinity. Under Article 2230 of the *Civil Code*, exemplary damages are granted to the victim of a crime when at least one aggravating circumstance was attendant. The nature of the aggravating circumstance as either qualifying or ordinary did not affect the right of AAA to the recovery of exemplary damages. As the Court has aptly ruled in *People v. Catubig*<sup>14</sup>:

The term “aggravating circumstances” used by the Civil Code, the law not having specified otherwise, is to be understood in its broad or generic sense. The commission of an offense has a two-pronged effect, one on the public as it breaches the social order and the other upon the private victim as it causes personal sufferings, each of which is addressed by, respectively, the prescription of heavier punishment for the accused and by an award of additional damages to the victim. The increase of the penalty or a shift to a graver felony underscores the exacerbation of the offense by the attendance of aggravating circumstances, whether ordinary or qualifying, in its commission. Unlike the criminal liability which is basically a State concern, the award of damages, however, is likewise, if not primarily, intended for the offended party who suffers thereby. It would make little sense for an award of exemplary damages to be due the private offended party when the aggravating circumstance is ordinary but to be withheld when it is qualifying. Withal, the ordinary or qualifying

<sup>12</sup> *Rollo*, p. 13.

<sup>13</sup> *People v. Bensig*, G.R. No. 138989, September 17, 2002, 389 SCRA 182, 194.

<sup>14</sup> G.R. No. 137842, August 23, 2001, 363 SCRA 621, 635.

nature of an aggravating circumstance is a distinction that should only be of consequence to the criminal, rather than to the civil, liability of the offender. In fine, relative to the civil aspect of the case, an aggravating circumstance, whether ordinary or qualifying, should entitle the offended party to an award of exemplary damages within the unbridled meaning of Article 2230 of the *Civil Code*.

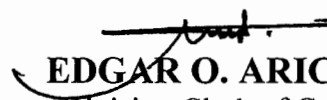
In line with jurisprudence,<sup>15</sup> exemplary damages of ₱30,000.00 should be awarded to AAA in addition to the civil indemnity and moral damages.

The Court imposes legal interest of 6% *per annum* on each of the civil liabilities, reckoned from the finality of this judgment until full payment.<sup>16</sup>

**WHEREFORE**, the Court **AFFIRMS** the decision promulgated on July 29, 2008 with the **MODIFICATION** that: (a) exemplary damages of ₱30,000.00 are further granted to AAA in addition to the civil indemnity of ₱50,000.00 and moral damages of ₱50,000.00; (b) interest at the rate of 6% *per annum* is imposed on all the damages from the date of finality of this judgment until fully paid; and (c) the accused shall pay the costs of suit.

**SO ORDERED.**” **SERENO, C.J.**, on leave; **VELASCO, JR., J.**, acting member per S.O. No. 1772 dated August 28, 2014.

Very truly yours,

  
**EDGAR O. ARICHETA**  
Division Clerk of Court *ff 9122*  
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The Solicitor General (x)  
Makati City

Court of Appeals (x)  
Manila  
(CA-G.R. CR H.C. No. 01775)

The Director  
Bureau of Corrections  
1770 Muntinlupa City

The Hon. Presiding Judge  
Regional Trial Court, Br. 61  
4307 Gumaca, Quezon  
(Crim. Case No. 7175-G)

- over -

<sup>15</sup> *People v. Rante*, G.R. No. 184809, March 29, 2010, 617 SCRA 115, 127; supra note 9, at 821.

<sup>16</sup> *Sison v. People*, G.R. No. 187229, February 22, 2012, 666 SCRA 645, 667.

RESOLUTION

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G.R. No. 188325  
September 8, 2014

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