



Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, Third Division, issued a Resolution dated June 23, 2021, which reads as follows:

“G.R. No. 215345 (*People of the Philippines v. XXX and YYY*)¹. - This appeal under Rule 124 of the Rules of Court challenges the October 9, 2014 Decision² of the Court of Appeals (CA) in CA-G.R. CR-HC No. 05316, which affirmed the October 24, 2011 Decision³ of the Regional Trial Court (RTC), Bambang, Nueva Vizcaya, Branch 37, in Crim. Case No. 2339, finding accused-appellants XXX and YYY, together with accused ZZZ, individually guilty of Rape.

Accused-appellants, together with ZZZ, were charged with Rape under Article 266-A of the Revised Penal Code (RPC) in relation to Article 266-B of the RPC. The accusatory portion of the single Information⁴ filed by the Office of the Provincial Prosecutor of Nueva Vizcaya on January 30, 2009 reads as follows:

That on or about November 19, 2006 between the hours of 10:00 to 11:00 o'clock in the morning, along the grassy trail going to [REDACTED] Province of Nueva Vizcaya, Philippines, and within the jurisdiction of the Honorable Court, the above-named accused, conspiring, confederating together and mutually helping each other and who were intoxicated chased and caught up with [AAA]⁶ who was then walking

¹ Initials were used to identify the accused-appellants pursuant to Amended Administrative Circular No. 83-15 dated September 5, 2017 Protocols and Procedures in the Promulgation, Publication, and Posting on the Websites of Decisions, Final Resolutions, and Final Orders using Fictitious Names/Personal Circumstances issued on September 5, 2017.

² *Rollo*, at pp. 2-13; penned by Associate Justice Samuel H. Gaerlan (now a Member of this Court) and concurred in by Associate Justices Apolinario D. Bruselas, Jr. and Amy C. Lazaro-Javier (now a Member of this Court).

³ Records, pp. 307-322; penned by Judge Godofredo M. Nani.

⁴ Id. at 1-2.

⁵ Geographical location is blotted out pursuant to Supreme Court Amended Circular No. 83-2015, *supra* note 1.

⁶ “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 Republic Act No. 7610, An Act Providing Penalties for its Violation, and for Other Purposes; Republic Act No. 9262, An Act Defining Violence Against Women and Their Children, and Providing for Protective Measures for

alone on a trail, and through force, threat and intimidation, willfully, unlawfully and feloniously did lie and succeed one after the other, in having carnal knowledge of said [AAA], against her will and consent, to her damage and prejudice including that of her parents.

Contrary to law.⁷

The pertinent facts of the case, as summarized by the Office of the Solicitor General (OSG) in its Appellee's Brief,⁸ are as follows:

In the morning of November 19, 2006 at around 10:00 A.M. to 11:00 A.M., AAA was on her way to her aunt to watch the Pacquiao-Morales fight. As she was walking along the trail in [REDACTED] Nueva Vizcaya she noticed appellants [YYY] and [ZZZ] with their co-accused [XXX] following her. AAA saw [YYY] holding a bottle of gin. When the trio caught up with her, they blocked AAA's way. [YYY] handed over to AAA a glass filled with gin and forced her to drink it. AAA refused but [YYY] threatened to punch her if she did not drink the glass of gin. Terrified, AAA took the glass of gin and slowly drank it. After finishing the entire glass, AAA felt dizzy (TSN, September 7, 2010, pp. 7-12).

[YYY] then pushed AAA to the ground. [YYY] removed his pants and shirt. Thereafter, he went down to undress AAA. Despite AAA's resistance, [YYY] was able to completely undress her. As AAA was lying naked on the ground, [YYY] went on top of her and inserted his penis inside AAA's vagina. AAA felt an excruciating pain (TSN, September 7, 2010, pp. 15-17, 18).

After [YYY] was done raping AAA, which lasted for around a minute, [ZZZ] came down on AAA and sexually assaulted her as well. Despite AAA's struggle [ZZZ] was able to insert his penis [into] her vagina. [ZZZ] likewise fondled and held AAA's breasts. Afterwards, appellant's co-accused [XXX] took his turn. He mercilessly raped AAA while [YYY] and [ZZZ] watched his performance (TSN, September 7, 2010, pp. 18, 20-22).

After fulfilling their bestial desires, the three (3) rapists warned AAA not to tell anyone and threatened to kill her if she did. They then left AAA semi-unconscious on the trail (TSN, September 7, 2010, p. 22).

When AAA regained consciousness, she saw a child who told her that she is in the house of [BBB]. Afterwards, AAA went home and slept. A few days after, AAA told her aunt about the incident, who in turn told her parents. On November 25, 2006, AAA was brought to the Nueva Vizcaya Provincial Hospital for medical examination (TSN, September 7, 2010, pp. 25-29, 32-34).

Dr. Remelina M. Peros-Galam of the Nueva Vizcaya Provincial Hospital examined AAA. Her medical findings revealed old healed lacerations in her hymen at 6 to 7 o'clock positions. The findings also revealed no external evidence of physical injury (TSN, May 10, 2011, pp. 4-7).⁹

Victims, Prescribing Penalties Therefor, and for Other Purposes; and Section 40 of A.M. No. 04-10-11-SC, known as the Rule on Violence against Women and their Children, effective November 14, 2001." (*People v. Dumadag*, 667 Phil. 664, 669 [2011]).

⁷ Records, p. 1.

⁸ CA rollo, pp. 193-205.

⁹ Id. at 196-197.

During the pre-trial, the parties stipulated the following:

1. The complainant and [XXX] know each other. While the complainant claims that she knows the other accused, they denied knowing her;
2. The complainant was then a resident of [REDACTED] Nueva Vizcaya; [ZZZ] resided at [REDACTED] about one hour walk from the house of the complainant; [YYY] was residing about 100 meters east of the waiting shed while [XXX] was a resident of [REDACTED] Nueva Vizcaya about 1 ½ hours walk to [REDACTED] the houses of the complainant and [ZZZ] and the waiting shed are shown on the sketch;
3. That there was a confrontation on January 18, 2009 at Sitio QQ in the presence of barangay officials of Brgys. LL and KK attended by the complainant, the three accused, and their relatives, and on that occasion the statement of the complaint (attached to the records as Exh. "6") was taken;
4. That on March 1, 2007, Prosecutor John D. Balasya conducted a clarificatory session, with the transcript of the proceedings found on pages 40-50 of the record;
5. That on November 19, 2006, the date that the rapes allegedly occurred, the fight between Pacquiao and Morales was aired on TV;
6. The complainant who was then 19 years old as shown on the birth certificate found on page 11 of the records, was drunk on that date;
7. The accused [YYY] was then 17 years old;¹⁰
8. That complainant was examined by the doctor on November 25, 2006 as shown by the medical certificate (Exh. "C" found on page 10 of the record); and
9. That the complainant is the grandniece of [CCC], who together with his children, was charged with the murder of [WWW] and the accused herein, [YYY] and [ZZZ] were the principal witnesses against the accused.¹¹

Thereafter, trial ensued and the prosecution rested its case on May 10, 2011.¹² After the prosecution rested its case, the accused filed their respective Demurrers to Evidence without leave of court.¹³

Perhaps realizing the grave consequences of filing the demurrer without leave of court, YYY moved to withdraw his demurrer and XXX filed a motion for leave.¹⁴ In an Order dated July 7, 2011, after considering the parties' respective memoranda on whether or not the demurrer can be withdrawn, the RTC considered the presentation of evidence closed in view of the filing of demurrer to evidence without leave of court, which constituted an unqualified

¹⁰ In the trial court's Order dated October 26, 2011, it clarified that it was actually accused [ZZZ], not herein accused-appellant [YYY], who was a minor. Records, pp. 323-324.

¹¹ Records, pp. 308-309.

¹² Id. at 309.

¹³ Id.

¹⁴ Id.

waiver to present evidence. Consequently, the RTC ordered all parties to file their respective memoranda.¹⁵

Ruling of the Regional Trial Court:

Thereafter, a Decision dated October 24, 2011¹⁶ was rendered by the RTC convicting all three accused of the crime of Rape. The dispositive portion of the Decision reads:

WHEREFORE, the court finds the accused [YYY], [ZZZ] and [XXX] individually guilty of rape, as defined under Article 266-A in relation to Article 266-B of the Revised Penal Code, as amended by RA 8353 [and] imposes upon [ZZZ] and [XXX] the penalty of *reclusion perpetua*. Considering his minority, [YYY] is given an indeterminate sentence of seven (7) years of *prision mayor* as minimum to fifteen (15) years of *reclusion temporal* as maximum. Each accused is also directed to pay the victim the sums of P50,000.00 as moral damages and P30,000.00 as exemplary damages, all with interest at the rate of 6% per *annum* from date of decision and then 12% per *annum* from date of its finality, and to pay the costs.

SO ORDERED.¹⁷

In an Order¹⁸ dated October 26, 2011, the trial court amended the dispositive portion of its Decision since it erroneously mentioned YYY as the minor instead of ZZZ. The amended dispositive portion of the trial court's Decision reads as follows:

WHEREFORE, the court finds the accused [YYY], [ZZZ] and [XXX] individually guilty of rape, as defined under Article 266-A in relation to Article 266-B of the Revised Penal Code, as amended by RA 8353, and imposes upon [YYY] and [XXX] the penalty of *reclusion perpetua*. Considering his minority, [ZZZ] is given an indeterminate sentence of seven (7) years of *prision mayor* as minimum to fifteen (15) years of *reclusion temporal* as maximum. Each accused is also directed to pay the victim the sums of P50,000.00 as indemnity, P50,000.00 as moral damages and P30,000.00 as exemplary damages, all with interest at the rate of 6% per *annum* from date of decision and then 12% per *annum* from date of its finality, and to pay the costs.

SO ORDERED.¹⁹

On November 3, 2011, ZZZ and YYY filed their Notice of Appeal²⁰ which the RTC granted.²¹ XXX also filed his Notice of Appeal on November 8, 2011,²² which was granted by the RTC in an Order dated November 10, 2011.²³

¹⁵ Id. at 309-310.

¹⁶ Id. at 307-322.

¹⁷ Id. at 321-322.

¹⁸ Id. at 323-324.

¹⁹ Id.

²⁰ Id. at 327.

²¹ Id. at 328.

²² Id. at 329-330.

²³ Id. at 335.

However, ZZZ subsequently filed on November 17, 2011 a Withdrawal of Appeal and prayed for the immediate service of his sentence.²⁴ Consequently, the RTC directed ZZZ to appear before it for inquiry as to whether he was fully aware of the same considering the grave consequences of the withdrawal of appeal. ZZZ having expressed his conformity to the motion, the RTC granted his prayer and considered his appeal withdrawn.²⁵ The Warden was also directed to bring ZZZ to the Cagayan Valley Regional Home For Youth located Barangay Roma, Enrile, Cagayan for the service of his sentence.²⁶

Given this development, XXX and YYY are the only ones who pushed through with their appeal with the CA.

Ruling of the Court of Appeals:

On October 9, 2014, the CA denied accused-appellants' appeal and affirmed the RTC Decision *in toto*. In ruling so, the CA respected the trial court's appreciation of evidence and gave weight to private complainant's testimony despite some inconsistencies, which were found to be immaterial to the issues at hand.²⁷ The dispositive portion of the CA decision reads:

WHEREFORE, premices considered, the assailed Decision is hereby AFFIRMED.

SO ORDERED.²⁸

Our Ruling

The instant appeal has no merit.

Accused-appellants essentially argue for their acquittal considering that the prosecution failed to prove their guilt beyond reasonable doubt, given that the victim's testimony should not have been given weight for being inconsistent and unconvincing. They contend that her lack of external physical injuries, as seen in the testimony of the expert witness, belies her claims that she was held down in an outdoor area and forced to have intercourse. Specifically, accused-appellants pointed out the lack of physical injuries at the back of her head, her neck, her back, and her chest area.

We are not convinced.

Article 266-A, paragraph (1) of the RPC reads as follows:

Article 266-A. *Rape; When and How Committed.* - Rape is committed –

²⁴ *Rollo*, p. 5.

²⁵ *Id.* at 5-6.

²⁶ *Id.* at p. 6.

²⁷ *Id.* at 6-12.

²⁸ *Id.* at 12.

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 is otherwise unconscious;
 - c) By means of fraudulent machination or grave abuse of discretion; and
 - 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.

In *Sison v. People*,²⁹ this Court reiterated that in rape cases, the essential element that the prosecution must prove is the absence of the victim's consent to the sexual congress, to wit:

In rape cases, the essential element that the prosecution must prove is the absence of the victim's consent to the sexual congress. The gravamen of the crime of rape is sexual congress with a woman by force or intimidation and without consent. Force in rape is relative, depending on the age, size and strength of the parties. In the same manner, intimidation must be viewed in the light of the victim's perception and judgment at the time of the commission of the crime and not by any hard and fast rule.³⁰ (Underscoring supplied)

In this case, it was proven by evidence that accused-appellants forced AAA into engaging in sexual congress by using threats and intimidation and without her consent, in addition to AAA being deprived of reason, if not unconscious, when she was forced to drink gin by the accused-appellants.

As applied in this case, the records would undeniably show that accused-appellants had carnal knowledge of the victim by using force, threats, and intimidation. The victim positively identified them in open court and clearly and candidly described that on November 19, 2006, while she was on her way to her aunt's house to watch the Pacquiao-Morales fight, accused-appellants waylaid and coerced her to drink alcohol. Thereafter, through force and intimidation, they had carnal knowledge of her without her consent.

Accused-appellants' defense is merely one of denial, wherein they insisted that AAA fabricated her story and questioned her credibility in view of the inconsistencies in her testimony. They also heavily relied on the absence of external physical injuries on AAA which they posit to be incompatible with rape.

However, it must be stressed that denial being a negative defense, if not substantiated by clear and convincing evidence, deserves no weight in law and cannot outweigh the evidentiary value of the affirmative testimony of credible witnesses.³¹ Relevantly, we must reiterate that the "factual findings of the trial court especially those which revolve [around] matters of credibility of witnesses deserve to be respected when no glaring errors bordering on a gross

²⁹ 682 Phil. 608 (2012).

³⁰ *Id.* at 622-623.

³¹ *People v. Tulagan*, G.R. No. 227363, March 12, 2019.

misapprehension of the facts, or where no speculative, arbitrary and unsupported conclusions, can be gleaned from such findings”.³² “The evaluation of the credibility of witnesses and their testimonies are best undertaken by the trial court because of its unique opportunity to observe the witnesses’ deportment, demeanor, conduct and attitude under grueling examination.”³³ Such findings of the trial court are even more convincing when affirmed by the CA, as in this case.

Verily, in rape cases such as this one, this Court has held that the victim’s lone testimony, once found credible, is sufficient to sustain a conviction.³⁴ Thus, We held in *People v. Venturina*:³⁵

In the appreciation of the evidence for the prosecution and the defense, the settled rule is that the assessment of the credibility of witnesses is left largely to the trial court. And in almost all rape cases, the credibility of the victim’s testimony is crucial in view of the intrinsic nature of the crime where only the participants therein can testify to its occurrence. “[The victim’s] testimony is most vital and must be received with the utmost caution.” Once found credible, the victim’s lone testimony is sufficient to sustain a conviction. Absent therefore any substantial reason to justify the reversal of the assessments and conclusions of the trial court especially if such findings have been affirmed by the appellate court, the evaluation of the credibility of witnesses is well-nigh conclusive to this Court.³⁶ (Underscoring supplied)

Upon further assessment of this Court, the manner by which the victim narrated the commission of the felony, which was corroborated by the findings in the Medico-Legal Certificate that she suffered lacerations, confirmed that accused-appellants were guilty beyond reasonable doubt of rape as defined by the RPC. Definitely, the victim’s positive and categorical testimony prevails over accused-appellants’ self-serving denial and futile attempts to cast doubt on her testimony.

Anent the argument of the accused-appellants regarding the absence of external physical injuries, we must again point out that physical injuries or even hymenal lacerations for that matter, are not essential elements of rape.³⁷ It is a settled doctrine that absence of external signs or physical injuries does not negate the commission of rape.³⁸

As applied in this case, while there was indeed an absence of physical injuries on the victim’s head, neck, back and chest area, as stated by the expert witness, the same does not contradict any of the material facts necessary for a conviction of rape. If only to put this immaterial issue to rest, we give credence to the RTC’s observations on the matter, to wit:

³² *People v. Bayan*, 741 Phil. 716, 727 (2014).

³³ *Id.*

³⁴ *People v. Venturina*, 694 Phil. 646 (2012).

³⁵ *Id.*

³⁶ *Id.* at 652-653.

³⁷ *People v. Venturina*, supra at 654-655.

³⁸ *Id.*

Although AAA could have possibly been slightly injured, it is equally possible that she suffered no injury at all because, as stated in the prosecution's pretrial brief, it happened on a grassy portion of the trail. Any sign of external injury could have disappeared by the time she submitted herself to a medical examination. It also has to be noted that AAA never claimed that she was injured when the accused sexually assaulted her. x x x³⁹

This Court has consistently and repeatedly emphasized that "a young girl's revelation that she had been raped, coupled with her voluntary submission to medical examination and willingness to undergo public trial where she could be compelled to give out the details of an assault on her dignity, cannot be so easily dismissed as mere concoction."⁴⁰ AAA, who by all indications is a simple barrio lass who just wanted to watch a boxing match but was instead deliberately and forcibly violated by accused-appellants, is no different in the instant case.

Therefore, based on our own evaluation and without any cogent reason to disagree with the factual findings of both the RTC and the CA, we find accused-appellants guilty beyond reasonable doubt for the crime of Rape.

However, there is a need to modify the monetary awards as imposed by the trial court and affirmed by the appellate court. Pursuant to *People v. Jugueta*,⁴¹ the awards of civil indemnity, moral damages, and exemplary damages are increased to ₱75,000.00 each. In addition, these monetary awards shall bear interest at the rate of six percent (6%) per *annum* from date of finality of this judgment until full payment.⁴²

WHEREFORE, the instant appeal is **DISMISSED**. The assailed Court of Appeals Decision dated October 9, 2014 in CA-G.R. CR-HC No. 05316 is **AFFIRMED** with **MODIFICATION** that the monetary awards of civil indemnity, moral damages and exemplary damages are increased to ₱75,000.00 each, which shall bear interest at the rate of six percent (6%) per *annum* from date of finality of this judgment until full payment.

SO ORDERED."

By authority of the Court:

MISAELO DOMINGO C. BATTUNG III
Division Clerk of Court

By:

RUMAR D. PASION
Deputy Division Clerk of Court

³⁹ Records, p. 316.

⁴⁰ *People v. Eulalio*, G.R. No. 214882, October 16, 2019.

⁴¹ 783 Phil. 807, 848-849 (2016).

⁴² *Id.* at 854.

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