



Republic of the Philippines
 Supreme Court
 Manila

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Wenceslao V. Lapitan
 WENCESLAO V. LAPITAN
 Division Clerk of Court
 Third Division

NOV 18 2016

THIRD DIVISION

THE PEOPLE OF THE PHILIPPINES, **G.R. No. 215198**

Plaintiff-Appellee,

Present:

- versus -

SERENO,* C.J.,
 VELASCO, JR.,** J., Chairperson,
 PERALTA,***
 PEREZ, and
 REYES.

JHUN VILLALON y ORDONO,

Promulgated:

Accused-Appellants.

November 9, 2016

X-----*Wenceslao V. Lapitan*-----X

DECISION

PERALTA, J.:

This case seeks to reverse and set aside the Court of Appeals (CA) Decision¹ dated June 30, 2014 in CA-G.R. CR-H.C. No. 05471. The CA upheld the Decision² of the Regional Trial Court (RTC) of Agoo, La Union, Branch 32, dated February 29, 2012 in Family Court Case No. A-1021, which found accused-appellant Jhun Villalon y Ordono guilty beyond reasonable doubt of the crime of rape.

* Designated Additional Member in lieu of Associate Justice Francis H. Jardeleza, per Raffle dated December 1, 2014

** On official leave.

*** Acting Chairperson per Special Order No. 2395 dated October 19, 2016.

¹ Penned by Associate Justice Romeo F. Barza, with Associate Justices Hakim S. Abdulwahid and Ramon A. Cruz; concurring; *rollo*, pp. 2-13.

² Penned by Judge Jennifer A. Pilar; *CA rollo*, pp. 12-18.

An Information was filed charging Villalon of raping AAA,³ which reads:

That on or about the 17th day of April 2010, in the Municipality of Aringay, Province of La Union, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, by means of force, coercion and intimidation, did then and there willfully, unlawfully and feloniously have carnal knowledge with his cousin AAA, a minor child 14 years of age, against her will and consent, to her damage and prejudice.

CONTRARY TO LAW.⁴

Upon arraignment on June 14, 2011, Villalon pleaded not guilty to the crime charged. Thus, trial on the merits ensued.

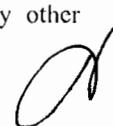
The factual and procedural antecedents of the case are as follows:

Jhun Villalon was charged with raping his cousin, AAA. AAA testified that she was born on February 2, 1996 and that her cousin (their mothers are sisters) raped her on April 17, 2010 when she was merely 14 years old. At 7:30 a.m. of that date, Villalon went to AAA's house in San Benito Norte, Aringay, La Union. He invited AAA to gather mangoes in the mountain, which was 2-3 kilometers away. AAA then left with Villalon with her mother's knowledge. After harvesting mangoes, Villalon asked AAA to go to the higher part of the mountain. Thereafter, Villalon invited his cousin to have sexual intercourse with him so she could experience it. AAA then felt like crying because she could not understand why her cousin would say that. She became nervous and wanted to leave but Villalon held her hands and removed her lower garments. She struggled to free herself, but Villalon overpowered her. He laid her down on the ground and started kissing her. AAA tried to avoid Villalon's kisses and to wriggle out of his embrace, but he placed himself on top of her and was able to fulfill his bestial desires. He then threatened AAA not to tell anybody.

AAA tried to hide the incident but after a month, she could no longer contain the nightmares caused by the abuse so she told her mother, BBB. Hence, BBB accompanied her daughter to the *barangay* captain to report the incident. When confronted, Villalon became angry and refused to cooperate, so BBB and AAA went to the police station. The physician who examined

³ In line with the Court's ruling in *People v. Cabalquinto*, 533 Phil. 703, 709 (2006), citing Rule on Violence Against Women and their Children, Sec. 40; Rules and Regulations Implementing Republic Act No. 9262, Rule XI, Sec. 63, otherwise known as the "Anti-Violence Against Women and their Children Act," the real names of the rape victims will not be disclosed. The Court will instead use fictitious initials to represent them throughout the decision. The personal circumstances of the victims or any other information tending to establish or compromise their identities will likewise be withheld.

⁴ Records, p. 1.



the victim found multiple healed hymenal lacerations and an infection which could have been caused by sexual intercourse.

When the case was already in court, Villalon's mother and wife allegedly brought AAA and BBB to the office of the defense counsel to sign an affidavit of desistance. AAA refused to sign the affidavit so she ran and hid at the market. When their relatives found her, they brought her back to the office to sign the affidavit. After signing, BBB was instructed to submit it to the Prosecutor's office, where she learned that the consequence of the affidavit would be the dismissal of the case. BBB then changed her mind and left with the affidavit.

For his part, Villalon asserted that it was on April 10, 2010 that he invited AAA's brother to gather mangoes in the mountain but AAA volunteered to go with him. When they finished at 9:00 a.m., they immediately proceeded to Caba to sell the fruits. On April 17, 2010, however, when the rape was supposedly committed, he just stayed at home all day with his wife. He was shocked when three (3) weeks later, he learned that he was being charged with rape. He, likewise, refused to settle at the *barangay* because he did nothing wrong.

On February 29, 2012, the RTC convicted Villalon in Family Court Case No. A-1021 and sentenced him to suffer the penalty of *reclusion perpetua*, and to pay AAA ₱75,000.00 as civil indemnity and ₱75,000.00 as moral damages, thus:

WHEREFORE, the Court finds accused Jhun Villalon y Ordono **GUILTY** beyond reasonable doubt of the crime of rape, and hereby [sentences] him to suffer the penalty of *reclusion perpetua* and to pay [AAA] the amount of ₱75,000.00 as civil indemnity and ₱75,000.00 as moral damages.

SO ORDERED.⁵

Therefore, Villalon elevated the case to the CA. On June 30, 2014, the CA affirmed the RTC Decision, to wit:

WHEREFORE, the appealed decision is hereby **AFFIRMED**.

SO ORDERED.⁶



⁵ CA rollo, p. 18. (Emphasis in the original).

⁶ Rollo, p. 12. (Emphasis in the original).

Villalon now comes before the Court, insisting that the prosecution failed to prove his guilt beyond reasonable doubt. He presents the following errors:

I.

THE COURT *A QUO* GRAVELY ERRED IN CONVICTING THE ACCUSED-APPELLANT DESPITE THE PROSECUTION'S FAILURE TO ESTABLISH FORCE, VIOLENCE, THREAT AND INTIMIDATION AS ELEMENTS OF RAPE.

II.

THE COURT *A QUO* GRAVELY ERRED IN CONVICTING THE ACCUSED-APPELLANT DESPITE THE PRIVATE COMPLAINANT'S LACK OF CREDIBILITY.

The appeal is devoid of merit.

The Court finds that the prosecution has successfully proved Villalon's guilt beyond reasonable doubt. Even if AAA did not shout for help, such could not and would not diminish her credibility. It must be emphasized that there is no standard form of reaction for a woman, much more a minor, when confronted with a horrifying experience such as sexual assault. The actions of children who have undergone traumatic experience should not be judged by the norms of behavior expected from adults when placed under similar circumstances. People react differently to emotional stress and rape victims are no different from them.⁷

Also, Villalon's alibi must necessarily fall. Physical impossibility pertains to the distance between the place where the accused was during the commission of the crime and the place where the crime was actually committed, as well as the facility of access between the two places.⁸ Here, Villalon resided some twenty (20) meters away from AAA's house, which was about two to three (2-3) kilometers away from the place where the incident transpired. Thus, there was no physical impossibility for Villalon's presence at the scene of the crime. His allegation that he was just at home on April 17, 2010 with his wife is, likewise, self-serving and remains uncorroborated by any evidence. His wife did not even testify to support said claim.

Regarding the affidavit of desistance, it must be stressed that, as a rule, it is viewed with suspicion and reservation. It has been regarded as exceedingly unreliable, because it can easily be secured from a poor and ignorant witness, usually through intimidation or for monetary

⁷ *People v. Lomaque*, 710 Phil. 338, 352 (2013).

⁸ *Escamilla v. People*, 705 Phil. 188, 199 (2013).

consideration, and attains no probative value in light of the alleged affiant's testimony to the contrary. Moreover, there is always the probability that it would later on be repudiated, and criminal prosecution would thus be interminable.⁹ BBB has explained that they were merely forced by their relatives into signing the affidavit and that she had not fully understood the effects of signing said affidavit, until the secretary of the prosecutor finally explained to her its contents, which were all written in English. Thus, they chose to leave and decided to pursue the case.

Indeed, AAA testified in a candid, vivid, and straightforward manner, and remained firm and unswerving even on cross-examination. It has been consistently held that when it comes to credibility of witnesses, the findings of a trial court on such matter will not be disturbed unless the lower court had clearly misinterpreted certain facts. The credibility of the witnesses is best addressed by the trial court, it being in a better position to decide such question, having heard them and observed their demeanor, conduct, and attitude under grueling examination. These are the most significant factors in evaluating the sincerity of witnesses and in unearthing the truth, especially in the face of conflicting testimonies. Through its observations during the entire proceedings, the trial court can be expected to determine, with reasonable discretion, whose testimony to accept and which witness to believe. Verily, findings of the trial court on such matters will not be disturbed on appeal unless some facts or circumstances of weight have been overlooked, misapprehended, or misinterpreted so as to materially affect the disposition of the case. Also, where there is no evidence that the witnesses of the prosecution were influenced by ill motive, as in this case, it is presumed that they were not so actuated and their testimony is entitled to full faith and credit.¹⁰ As to the amount of damages, however, the accused should be ordered to pay another ₱75,000.00 as exemplary damages based on recent jurisprudence.¹¹

WHEREFORE, PREMISES CONSIDERED, the Court **DENIES** the petition and **AFFIRMS with MODIFICATION** the Decision dated June 30, 2014 of the Court of Appeals in CA-G.R. CR-H.C. No. 05471 finding accused-appellant Jhun Villalon y Ordono guilty beyond reasonable doubt of the crime of Rape. The Court sentences Villalon to suffer the penalty of *reclusion perpetua* and to pay AAA the amount of ₱75,000.00 as civil indemnity, ₱75,000.00 as moral damages, and another ₱75,000.00 as exemplary damages, all with interest at the rate of six percent (6%) *per annum* from the finality of this judgment until fully paid.

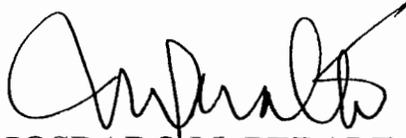
⁹ *People v. Estibal*, G.R. No. 208749, November 26, 2014, 743 SCRA 214, 233.

¹⁰ *People v. Dadao*, 725 Phil. 298, 310-311 (2014).

¹¹ *People v. Ireneo Jugueta*, G.R. No. 202124, April 5, 2016.



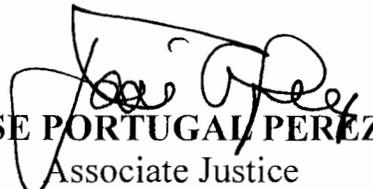
SO ORDERED.


DIOSDADO M. PERALTA
Associate Justice

WE CONCUR:


MARIA LOURDES P. A. SERENO
Chief Justice

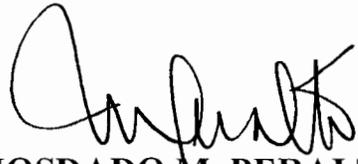
On official leave
PRESBITERO J. VELASCO, JR.
Associate Justice


JOSE PORTUGAL PEREZ
Associate Justice


BIENVENIDO L. REYES
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.


DIOSDADO M. PERALTA
Associate Justice
Acting Chairperson, Third Division

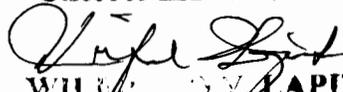
CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution and the Division Acting 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.



MARIA LOURDES P. A. SERENO
Chief Justice

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Third Division

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