



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

FIRST DIVISION

PEOPLE OF THE
PHILIPPINES,

Plaintiff-Appellee,

- versus -

SONNY ENCINAS y SALINAS,
Accused-Appellant.

G.R. No. 229506

Present:

GESMUNDO, C.J., Chairperson,
CAGUIOA,
LAZARO-JAVIER,
LOPEZ, M., and
LOPEZ, J., JJ.

Promulgated:

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DECISION

CAGUIOA, J.:

Before the Court is an ordinary appeal¹ filed by the accused-appellant Sonny Encinas y Salinas (Encinas) assailing the Decision² dated February 12, 2016 of the Court of Appeals (CA) in CA-G.R. CR-HC No. 06417, which affirmed the Decision³ dated September 20, 2013 of Branch 13, Regional Trial Court of EEE⁴ (RTC) in Criminal Case Nos. 0562-2010 and 0563-2010, finding Encinas guilty beyond reasonable doubt of the crime of rape.

¹ See Notice of Appeal dated March 3, 2016, *rollo*, pp. 15-16

² *Rollo*, pp. 2-14. Penned by Associate Justice Edwin D. Sorongon with Associate Justices Ricardo R. Rosario (now a Member of the Court) and Marie Christine Azcarraga-Jacob concurring.

³ *CA rollo*, pp. 55-71. Penned by Presiding Judge Noel M. Lindog.

⁴ The real name of the victim, her personal circumstances and other information which tend to establish or compromise her identity, as well as those of her immediate family, or household members, shall not be disclosed to protect her privacy, and fictitious initial shall, instead, be used, in accordance with *People v. Cabalquinto*, 533 Phil. 703 (2006), and Amended Administrative Circular No. 83-2015 dated September 5, 2017.

The Facts

Three Informations were filed against Encinas for two counts of Rape and one count of Lascivious Conduct committed against AAA.⁵ The Informations read:

Criminal Case No. 0562-2010

That on or about the 27th day of March, 2010 at about 3:00 o'clock in the morning at Brgy. 7, [EEE], Philippines and within the jurisdiction of this Honorable Court, the above-named accused, by taking advantage of the minority and vulnerability of one [AAA], did then and there willfully, unlawfully and feloniously have carnal knowledge of said [AAA], a [16-year-old] minor, against her will and consent which acts debased, degraded or demeaned the intrinsic worth and dignity of said [AAA].

Contrary to law.⁶

Criminal Case No. 0563-2010

That on or about the 26th day of March, 2010 at about 11:00 o'clock in the evening at Brgy. 7, [EEE], Philippines and within the jurisdiction of this Honorable Court, the above-named accused, by taking advantage of the minority and vulnerability of one [AAA], did then and there willfully, unlawfully and feloniously have carnal knowledge of said [AAA], a [16-year-old] minor, against her will and consent which acts debased, degraded or demeaned the intrinsic worth and dignity of said [AAA].

Contrary to law.⁷

Criminal Case No. 0143-2010

That on or about the 29th day of March, 2010 at about 12:28 o'clock in the morning at Brgy. 7, [EEE], Philippines and within the jurisdiction of this Honorable Court, the above-named accused, by taking advantage of the minority and vulnerability of one [AAA], motivated by lust and *(sic)* lewd designs, did then and there willfully, unlawfully and feloniously commit lascivious conduct against one [AAA], a [16-year-old] minor, by forcefully carrying her from her bed to the floor and touching her private parts against her will and consent which acts debased, degraded or demeaned the intrinsic worth and dignity as a human being.

Contrary to law.⁸

During the trial, the prosecution presented AAA and Dr. Janmarie Sandoval (Dr. Sandoval), a medical doctor who conducted a medico-legal examination of AAA.⁹ The version of the prosecution, as summarized by the CA, is as follows:

⁵ Id.

⁶ Records (Criminal Case No. 0562-2010 and Criminal Case No. 0563-2010), p. 1.

⁷ Id. at 13

⁸ Records (Criminal Case No. 0143-2010), p. 1

⁹ Rollo, p. 4.

AAA, a native of [FFF]¹⁰, was sixteen (16) years old when [s]he went to Manila on February 10, 2010 to look for a job. After sometime, she was hired as a canteen helper in the market at [EEE], Batangas. There, she met accused-appellant, who was a tricycle driver and [boy]friend of [her] co-worker. As she was then looking for a place to stay, accused-appellant offered her a bed space in his house, where she would share a room with his mother and aunt for five hundred pesos (Php500.00) a month.

At around 8:00 in the evening of March 26, 2010, accused-appellant fetched AAA from her place of work and brought her to his house in Barangay [DDD],¹¹ [EEE], Batangas. Upon arrival, AAA learned that, except for a family renting a room, accused-appellant's mother and his aunt were not in the house. Accused-appellant asked her if they could sleep in the same room. Finding the set-up uncomfortable, AAA did not first agree and asked him to just sleep outside the room. However, due to his insistence and assurance that nothing would happen to her, they ended up sleeping in the same room, with AAA on the bed and accused-appellant on the floor. Taking advantage of the situation, accused-appellant, at about 11:00 in the evening, carried AAA from the bed and placed her on the floor. She tried to resist and scream but accused-appellant imply overpowered her. Accused-appellant proceeded to remove her clothes and inserted his penis into her vagina. After satisfying his lust, accused-appellant threatened to kill her if she ever spoke of the incident. The next day, or on March 27, 2010, at around 3:00 o'clock in the morning, accused-appellant forcibly had sex with her for the second time.

Two days thereafter, or on March 29, 2010, at around 12:28 in the morning, accused-appellant tried to rape her again but she [resisted] and succeeded in running away. She knocked at the door in the other room occupied by her co-boarder BBB,¹² who accompanied her to the police headquarters to report the rape incidents.¹³

Meanwhile, Dr. Sandoval testified as to the medico-legal findings. She testified that she found "Erythematous Both Labia Majora and Completely Healed Laceration at 8 o'clock Position of [AAA's] hymen."¹⁴

On the other hand, the evidence of the defense is based on the testimonies of Encinas and Claret Mercado, a friend of AAA and the common-law wife of Encinas. The version of the defense, as also summarized by the CA, was as follows:

Accused-appellant denied having raped AAA and presented the sweetheart defense. He claimed that the sexual intercourse that transpired between them was consensual as she was then his girlfriend. On March 26, 2010, he received a text message from her asking him to fetch her at her apartment because CCC,¹⁵ her common law husband, forced her to move out. AAA spent the night at his house where they had sex twice, one at

¹⁰ Supra note 4.

¹¹ Supra note 4.

¹² Supra note 4.

¹³ *Rollo*, pp. 4-5.

¹⁴ TSN dated February 15, 2012, p. 4.

¹⁵ Supra note 4.

around 12:00 o'clock midnight of March 26, 2010, and another at about 3:00 o'clock in the morning the following day.

As to the March 29, 2010 incident, accused-appellant narrated that while they were sleeping in his room, AAA's cell phone rang at around 12:00 o'clock midnight. He was about to turn it off but AAA grabbed it and left the room pissed-off. He followed her to the sala and explained that he was just going to turn it off because he could no longer sleep due to its insistent ringing. Getting no answer from her, he went back to his room. Half an hour later, AAA has not yet returned. He looked for her and found her slippers outside the room rented by BBB and his family. Assuming that she opted to sleep there, he went back to his room and slept. After a while, he was again awakened by loud knocks on his door. When he opened it, he was suddenly handcuffed by two policemen, who informed him that a complaint for attempted rape was filed against him. He was then brought to the police station.

The other defense witness, Claret Mercado (Claret), supported the version of the accused-appellant. She testified that AAA and her live-in partner, CCC, reside in the same apartment with her. On March 26, 2010, CCC forced AAA to leave their apartment because of her relationship with other men. On that day, she knew that AAA went to accused-appellant and had sexual intercourse with him.¹⁶

Ruling of the RTC

After trial on the merits, in its Decision¹⁷ dated September 20, 2013, the RTC convicted Encinas of two counts of Rape, but acquitted him of the charge of Lascivious Conduct. The dispositive portion of the said Decision reads:

WHEREFORE, premises considered, the Court hereby finds the accused **Sonny Encinas y Salinas a.k.a. "Sonny Boy"** as follows:

1. In **Criminal Case No. 0143-2010**, the accused **Sonny Encinas y Salinas a.k.a. "Sonny Boy"** is hereby **ACQUITTED** for failure on the part of the Prosecution to prove his guilt beyond reasonable doubt for the commission of the crime of *Lascivious Conduct* defined and penalized under *Article 336 of the Revised Penal Code* in relation to *Section 5(b) of the Republic Act No. 7610*.
2. In **Criminal Cases Nos. 0562-2010 and 0563-2010**, accused **Sonny Encinas y Salinas a.k.a. "Sonny Boy"** is hereby found **GUILTY** beyond reasonable doubt, as principal, for two (2) counts of *Rape* defined and penalized under *Article 266-A of the Revised Penal Code* in relation to *Section 5 of Republic Act No. 7610* and is hereby sentenced to suffer the penalty of *Reclusion Perpetua* for each count without eligibility for parole and to indemnify the private complainant **AAA** the amounts of Fifty Thousand Pesos (Php 50,000.00) as civil

¹⁶ *Rollo*, pp. 6-7.

¹⁷ *Supra* note 3.



indemnity and Fifty Thousand Pesos (Php 50,000.00) as moral damages for each count.

x x x x

SO ORDERED.¹⁸

Since Encinas admitted that he did have sexual intercourse with AAA on the times and dates in question, but claimed, however, that the intercourse was consensual, the RTC convicted Encinas of two counts of Rape because “it baffle[d] the Court why AAA would concoct charges as grave as *Rape* against him who was supposed to be her boyfriend and who rescued her and accommodated her in his house when she was supposedly driven away from the house where she was staying.”¹⁹ The RTC also deemed as immaterial the evidence presented by the defense as to AAA’s reputation or virtue. Citing *People v. Soriano*,²⁰ it held that there was no connection between the reputation of a rape victim and the odious deed committed against her.²¹

The RTC, however, acquitted Encinas on the charge of Lascivious Conduct. The RTC reasoned that the only evidence put forth by the prosecution with regard to this charge was AAA’s testimony that Encinas “tried to rape her again”²² on March 29, 2010 but that she was able to fight back and run away. The RTC added that the evidence presented was insufficient to prove that lascivious conduct was committed against AAA on the said date, and thus the prosecution failed to establish the elements of the crime of Lascivious Conduct.

Aggrieved, Encinas appealed to the CA.

Ruling of the CA

In the appeal, Encinas raised the following arguments in support of his innocence: (a) the RTC erred in relying solely on the testimony of AAA in convicting him; (b) the fact that AAA stayed with Encinas in the three-hour period in between the two supposed rape incidents raised doubts on her credibility; (c) the medico-legal finding that AAA had a “completely healed laceration” when she was examined only two days after the alleged rape incidents also casted doubt on her credibility; (d) the RTC erred in disregarding his defense that he and AAA had a romantic relationship and the sexual intercourse between them was consensual, and in ruling that the victim’s character was immaterial.²³

¹⁸ CA rollo, pp. 69-71.

¹⁹ Id. at 64.

²⁰ 339 Phil. 144 (1997).

²¹ CA rollo, p. 66.

²² Id. at 69.

²³ Brief for the Accused-Appellant, CA rollo, pp. 38-53.

In the questioned Decision²⁴ dated February 12, 2016, the CA affirmed the conviction of Encinas.

The CA held that it found no reason to reverse his conviction, as AAA's testimony established all the elements of the crime.²⁵ The CA upheld the RTC's ruling, and reiterated the well-established rule, that the moral character of the victim was immaterial in the prosecution and conviction of an accused for rape.²⁶ Finally, the CA ruled that Encinas failed to sufficiently establish the elements of the sweetheart defense — (1) that the accused and the victim were lovers and (2) that she consented to the alleged sexual relations – by clear and convincing evidence.²⁷

Hence, the instant appeal.

Issue

For resolution of the Court is the issue of whether the RTC and the CA erred in convicting Encinas.

The Court's Ruling

The appeal is partially meritorious. The Court affirms the conviction of Encinas for only one count of Rape and acquits him for the other charge as the prosecution was unable to prove that he committed the second count of rape beyond reasonable doubt.

In rape cases, the prosecution has the burden to conclusively prove the two elements of the crime — *viz.*: (1) that the offender had carnal knowledge of the woman, and (2) that such act was accomplished through the use of force or intimidation.²⁸ In these cases, the accused may be convicted on the basis of the lone, uncorroborated testimony of the rape victim, provided that her testimony is clear, convincing, and otherwise consistent with human nature. This is a matter best assigned to the trial court which has the first-hand opportunity to hear the testimonies of the witnesses and observe their demeanor, conduct, and attitude during cross-examination. Hence, the trial court's findings carry very great weight and substance.²⁹

However, it is equally true that in reviewing rape cases, the Court observes the following guiding principles:

- (1) an accusation for rape can be made with facility; it is difficult to prove but more difficult for the person accused, though innocent, to disprove;

²⁴ Supra note 2.

²⁵ *Rollo*, p. 9.

²⁶ *Id.* at 11-12.

²⁷ *Id.*

²⁸ *People v. Soronio*, G.R. No. 94362, December 10, 1991, 204 SCRA 741, 744.

²⁹ *People v. Alemania*, G.R. Nos. 146521-22, November 13, 2002, 391 SCRA 619, 625.

- (2) in view of the intrinsic nature of the crime where only two persons are usually involved, **the testimony of the complainant must be scrutinized with extreme caution;** and
- (3) **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.³⁰

This must be so as the guilt of an accused must be proved beyond reasonable doubt. Before he is convicted, there should be moral certainty — a certainty that convinces and satisfies the reason and conscience of those who are to act upon it.³¹ Absolute guarantee of guilt is not demanded by the law to convict a person of a criminal charge but there must, at least, be moral certainty on each element essential to constitute the offense and on the responsibility of the offender. Proof beyond reasonable doubt is meant to be that, all things given, the mind of the judge can rest at ease concerning its verdict.³² Again, these basic postulates assume that the court and others at the trial are able to comprehend the testimony of witnesses, particularly of the victim herself if she is presented and testified under oath.³³

With the foregoing principles in mind, the Court holds that while it is convinced that Encinas committed the first count of rape, there exists reasonable doubt that Encinas committed the second count of rape charged against him. As to the first count of rape, AAA clearly testified as follows:

Q: Could you tell us what happened on March 26, 2010?

A: On March 26, 2010 at around 11:00 P.M., I was sleeping on a bed while Sonny [Encinas] was on the floor.

Q: Do you remember any untoward incident that happened to you while you were sleeping on the bed?

A: Yes, ma'am.

Q: Could you tell us what happened?

A: I felt that at around 11:00 P.M., he carried me from my bed and brought me to the place where he was sleeping.

Q: **What happened next, if any?**

A: **I tried to free myself. I shouted and asked for help but he covered my mouth.**

Q: **What happened next, if any?**

A: **He forced to enter his penis to my vagina.**

Q: **After that, what happened, if any?**

³⁰ *People v. Lumibao*, G.R. Nos. 144080-81, January 26, 2004, 421 SCRA 65, 73-74.

³¹ *Id.* at 74.

³² *Id.*

³³ *Id.*

woman without her consent.⁴⁵ Hence, notwithstanding the existence of a romantic relationship — or even a valid marriage for that matter⁴⁶ — a woman cannot be forced to engage in sexual intercourse against her will.⁴⁷

The Court also recognizes that there is a second witness for the defense, the common-law wife of Encinas and a friend of AAA herself, who testified that she was aware that AAA and Encinas had sexual intercourse on the day in question. It does not appear, however, that she was in the exact room where the sexual congress happened. Her testimony, therefore, does not prove that the sexual intercourse between the two was consensual or that there was no force or intimidation employed.

Moreover, “[i]t is a hornbook doctrine that the findings of fact of the trial court are entitled to great weight on appeal and should not be disturbed except for strong and valid reasons, because the trial court is in a better position to examine the demeanor of the witnesses while testifying.”⁴⁸ In this case, the Court scoured through the records and found no reason to disturb the RTC’s finding on AAA’s credibility as a witness. The Court thus affirms the conviction of Encinas for one count of Rape.

Finally, with regard to the amount of damages, the Court deems it proper to adjust the award of damages in consonance with *People v. Jugueta*.⁴⁹ Thus, Encinas is hereby ordered to pay AAA the amounts of Seventy-five Thousand Pesos (₱75,000.00) as civil indemnity, Seventy-five Thousand Pesos (₱75,000.00) as moral damages, and Seventy-five Thousand Pesos (₱75,000.00) as exemplary damages. Interest at the rate of 6% *per annum* on the monetary awards reckoned from the finality of this Decision is likewise imposed to complete the quest for justice and vindication on the part of AAA.⁵⁰

WHEREFORE, in view of the foregoing, the appeal is hereby **PARTIALLY GRANTED**. The Court **DECLARES** accused-appellant Sonny Encinas y Salinas **GUILTY in Criminal Case No. 0563-2010** but **ACQUITTED in Criminal Case No. 0562-2010**. The accused-appellant is therefore liable for **ONE COUNT OF RAPE**, for which he is sentenced to suffer the penalty of *reclusion perpetua*. He is further ordered to pay the private complainant AAA the amounts of Seventy-five Thousand Pesos (₱75,000.00) as civil indemnity, Seventy-five Thousand Pesos (₱75,000.00)

⁴⁵ Id.

⁴⁶ See REVISED PENAL CODE, Article 266-C, as amended by RA 8353, which provides:
Article 266-C. *Effect of Pardon*. — The subsequent valid marriage between the offender and the offended party shall extinguish the criminal action or the penalty imposed.

In case it is the legal husband who is the offender, the subsequent forgiveness by the wife as the offended party shall extinguish the criminal action or the penalty: *Provided*, That the crime shall not be extinguished or the penalty shall not be abated if the marriage is *void ab initio*. (Emphasis and underscoring supplied)

See also *People v. Jumawan*, 733 Phil. 102 (2014).

⁴⁷ *People v. Napudo*, supra note 42, at 225.

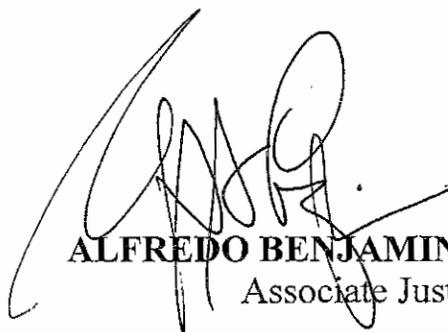
⁴⁸ *Tayco v. Heirs of Tayco-Flores*, 652 Phil. 291, 301 (2010).

⁴⁹ 783 Phil. 806 (2016).

⁵⁰ *People v. Arcillas*, 692 Phil. 40,54 (2012).

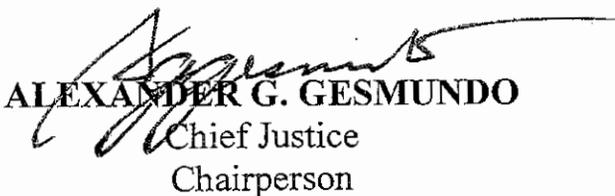
as moral damages, and Seventy-five Thousand Pesos (P75,000.00) as exemplary damages. All monetary awards shall earn interest at the legal rate of six percent (6%) *per annum* from the date of finality of this Decision until fully paid.

SO ORDERED.



ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

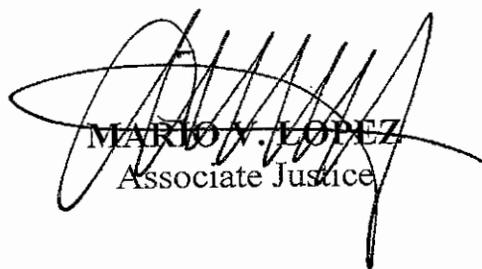
WE CONCUR:



ALEXANDER G. GESMUNDO
Chief Justice
Chairperson



AMY C. LAZARO-JAVIER
Associate Justice



MARIO V. LOPEZ
Associate Justice



JHOSEP V. LOPEZ
Associate Justice

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, 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

