



Republic of the Philippines  
Supreme Court  
Manila

SECOND DIVISION

PEOPLE OF THE PHILIPPINES,  
Plaintiff-appellee,

G.R. No. 264352

Present:

-versus-

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

XXX264352,\*

Accused-appellant.

Promulgated:

DEC 04 2023

X-----X

DECISION

LAZARO-JAVIER, J.:

The Case

This Appeal<sup>1</sup> assails the Decision<sup>2</sup> of the Court of Appeals in CA-G.R. CR-HC No. 03145 dated June 29, 2022 affirming accused-appellant XXX264352's conviction for rape.

\* In line with Amended Administrative Circular No. 83-2015, as mandated by Republic Act No. 8353, the names of the private offended parties, along with all other personal circumstances that may tend to establish their identities, are made confidential to protect their privacy.

<sup>1</sup> Rollo, pp. 5-6.

<sup>2</sup> *Id.* at 11-23. Penned by Associate Justice Eleuterio L. Bathan and concurred in by Associate Justices Bautista G. Corpin, Jr. and Mercedita G. Dadole-Ygnacio, Court of Appeals, Cebu City.

### Antecedents

By Information dated February 28, 2017, accused-appellant was charged with rape, as follows:

That on or about the 10 December 2016 in the City of ██████████ ██████████, Philippines, and within the jurisdiction of this Honorable Court, said accused by means of force, threat and/or intimidation, did then and there willfully, unlawfully, and feloniously have carnal knowledge of [AAA264352], against the will and without the consent of said offended party, to her damage and prejudice.

CONTRARY TO LAW.<sup>3</sup>

On arraignment, accused-appellant pleaded not guilty. Trial ensued.<sup>4</sup>

During the trial, the prosecution presented the testimonies of AAA264352, her daughter CCC264352, and Dr. Medardo S. Estanda (Dr. Estanda).<sup>5</sup> The defense, on the other hand, presented the lone testimony of accused-appellant.<sup>6</sup>

#### *Prosecution's Version*

Sixty-nine-year-old complainant AAA264352 testified that on December 10, 2016, at 10:30 p.m., she was sleeping when accused-appellant, her brother-in-law, suddenly entered her house. She was alarmed so she reached for her *bolo* as accused-appellant approached her, held both of her hands, and pushed her against the wall. She immediately tried to strike him with her *bolo* but missed. He then twisted her hand, causing her *bolo* to fall on the ground. She tried to retrieve her *bolo*, but failed. He then pushed her and forcefully laid her down on the bed. He pulled her duster up, forcibly pulled her legs apart, laid on top of her, and inserted his penis in her vagina. After the act, he stood up, put on his clothes, and told her not to close the door because he was coming back.<sup>7</sup>

CCC264352, the daughter of AAA264352, testified that she was awakened by her younger sister who told her that she heard their mother groaning as if she was in pain. She immediately went to AAA264352's nipa hut nearby and was shocked to see her crying and in pain. AAA264352 then told her that accused-appellant raped her. They immediately reported the incident to the police station.<sup>8</sup>

<sup>3</sup> *Id.* at 12.

<sup>4</sup> *Id.* at 12-13.

<sup>5</sup> *Id.* at 13.

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

Dr. Estanda then conducted a medical and physical examination on AAA264352 and found that there was spermatozoa in her vagina, "compatible with previous sexual intercourse," per Living Case Report dated December 12, 2016.<sup>9</sup>

### *The Version of the Defense*

Accused-appellant denied the charge. He testified that on December 10, 2016, he was in the cockpit in [REDACTED] from 10:30 p.m. to 4:00 a.m.; thus, he could not have raped AAA264352.<sup>10</sup>

### **Ruling of the Trial Court**

As borne by its Decision dated May 16, 2018,<sup>11</sup> the trial court rendered a verdict of conviction, thus:

WHEREFORE, premises considered, this court finds the accused [XXX264352] GUILTY beyond reasonable doubt of the crime of RAPE under Article 266-A (1) in relation to Article 266-B of the Revised Penal Code, as amended, and hereby imposes the penalty of RECLUSION PERPETUA. Accordingly, accused is likewise ordered to pay [AAA264352] the following amounts:

1. As civil indemnity, One Hundred Thousand Pesos ([PHP] 100,000.00);
2. As moral damages, One Hundred Thousand Pesos ([PHP] 100,000.00); and
3. As exemplary damages, One Hundred Thousand Pesos ([PHP]100,000.00).

All damages awarded shall earn interest at six percent (6%) per annum from the date of finality of this judgment until fully paid.

**The Jail Warden, [REDACTED] District Jail, [REDACTED], is ordered to immediately transfer the custody of the accused to the National Penitentiary, Muntinlupa, for the service of his sentence.**

Furnish copies of this judgment the National Bureau of Investigation (NBI), parties and counsels.

SO ORDERED.<sup>12</sup> (Emphasis in the original)

<sup>9</sup> *Id.*

<sup>10</sup> *Id.* at 13–14.

<sup>11</sup> *Id.* at 25–30. Penned by Presiding Judge Walter G. Zorilla, Regional Trial Court, Branch 55, [REDACTED], Negros Occidental.

<sup>12</sup> *Id.* at 29–30.

The trial court gave full credence to AAA264352's testimony. She positively narrated that accused-appellant, her brother-in-law, sexually ravished her. She tried to fight him off and strike him with her *bolo*, but her 69-year-old body was too frail, and he easily parried her attempts to resist. In contrast, accused-appellant's weak defense of denial must fail.<sup>13</sup>

### The Proceedings Before the Court of Appeals

On appeal, accused-appellant faulted the trial court for convicting him despite the alleged incredible and inconsistent testimony of AAA264352. Too, the Living Case Report dated December 12, 2016 issued by Dr. Estanda proved that there were no lacerations or tears in her vagina, thereby disproving sexual intercourse. Finally, assuming *arguendo* that there was sexual intercourse, the same was consensual as AAA264352 failed to resist his sexual advances and shout for help.<sup>14</sup>

For its part, the Office of the Solicitor General maintained that the prosecution proved accused-appellant's guilt beyond reasonable doubt. There was nothing incredulous in AAA264352's statements. Too, her testimony was duly corroborated by the medical findings and testimony of Dr. Estanda.<sup>15</sup>

### Ruling of the Court of Appeals

By Decision<sup>16</sup> dated June 29, 2022, the Court of Appeals affirmed the verdict of conviction but decreased the monetary awards, *viz.*:

**WHEREFORE**, the instant appeal is **DISMISSED**. The trial court's Decision dated May 16, 2018 is **AFFIRMED** with **MODIFICATION** as regards civil indemnity and damages. Accused-appellant [XXX264352] is **ORDERED** to pay [AAA264352] Seventy[-]Five Thousand Pesos ([PHP] 75,000.00) as civil indemnity, Seventy Five Thousand Pesos ([PHP] 75,000.00) as moral damages, and Seventy Five Thousand Pesos ([PHP] 75,000.00) as exemplary damages with all such amounts to earn interest of six percent (6%) per annum from date of finality of this Decision until fully paid.

**SO ORDERED.**<sup>17</sup> (Emphasis in the original)

The Court of Appeals ruled that all the elements of rape were proved beyond reasonable doubt. AAA264352 identified accused-appellant in open

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<sup>13</sup> *Id.* at 14.

<sup>14</sup> *CA rollo*, pp.18-34.

<sup>15</sup> *Id.* at 76-90.

<sup>16</sup> *Rollo*, pp. 11-23.

<sup>17</sup> *Id.* at 22.

court as her brother-in-law and the same person who sexually assaulted her, and testified in detail how the latter raped her. Too, Dr. Estanda's Living Case Report dated December 12, 2016 established that there was presence of spermatozoa consistent with sexual intercourse. Finally, accused-appellant's defenses of denial and alibi cannot prevail over the categorical and clear statements of AAA264352.<sup>18</sup>

### The Present Appeal

Accused-appellant now seeks anew a verdict of acquittal.<sup>19</sup> Accused-appellant<sup>20</sup> and the Office of the Solicitor General<sup>21</sup> both manifest that, in lieu of supplemental briefs, they are adopting their respective Briefs before the Court of Appeals.

### Our Ruling

The appeal must fail.

Under Article 266-A(1) of the Revised Penal Code, as amended, rape requires the following elements:

- (1) the offender had carnal knowledge of a woman; and
- (2) the offender accomplished such act through force, threat, or intimidation.<sup>22</sup>

Here, the prosecution had sufficiently established accused-appellant's guilt of the crime charged through the straightforward testimony of AAA264352 herself. AAA264352, who was 69 years old at the time of the rape, testified that accused-appellant, who was 50 years old,<sup>23</sup> held both of her hands, pushed her against the wall, and twisted her arm. He then forced her to lie down, pulled her legs apart, laid on top of her, and inserted his penis in her vagina. Too, this testimony was corroborated by the Living Case Report issued by Dr. Estanda showing that spermatozoa was present, consistent with previous sexual intercourse. Jurisprudence dictates that when the testimony of a rape victim is consistent with the medical findings, sufficient basis exists to warrant a conclusion that the essential requisite of carnal knowledge has been established.<sup>24</sup>

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<sup>18</sup> *Id.* at 16–21.

<sup>19</sup> *Id.* at 5.

<sup>20</sup> *Id.* at 38–40.

<sup>21</sup> *Id.* at 33–35.

<sup>22</sup> *People v. XXX*, 887 Phil. 734, 746 (2020) [Per J. Lazaro-Javier, First Division].

<sup>23</sup> Records, p. 5.

<sup>24</sup> *People v. AAA*, G.R. No. 247007, March 18, 2021 [Per CJ Peralta, First Division].

AAA264352's testimony was positive, candid, categorical, and replete with material details, thus, meriting full weight and credence. It is settled that the trial court's factual findings on the credibility of witnesses are accorded respect, if not conclusive effect. This is because the trial court has the unique opportunity to observe the witnesses' demeanor, and is in the best position to discern whether they are telling the truth or not.<sup>25</sup> This rule becomes more compelling when such factual findings carry the full concurrence of the Court of Appeals, as here.

Against AAA264352's positive testimony, accused-appellant's defense of denial must, thus, fail. Too, for alibi to prosper, accused-appellant must not only prove that he was at some other place at the time of the commission of the crime, he must also prove that it was physically impossible for him to have been present at the scene of the crime at the time of its commission.<sup>26</sup>

Here, accused-appellant averred that he was in a cockpit on the night in question. He admitted, however, that the cockpit was only 11 kilometers or less than one hour away. Evidently, he failed to establish that it was impossible for him to be present at AAA264352's house at the time of the incident.<sup>27</sup>

### *Penalty*

Under Article 266-B<sup>28</sup> of the Revised Penal Code, as amended, the penalty for rape is *reclusion perpetua*. In the absence of any mitigating and aggravating circumstances, therefore, accused-appellant was correctly sentenced to *reclusion perpetua*.

As for damages, the Court of Appeals awarded PHP 75,000.00 as civil indemnity, PHP 75,000.00 as moral damages and PHP 75,000.00 as exemplary damages.<sup>29</sup> Considering, however, that AAA264352 was already 69 years old, a senior citizen, at the time of the rape, having been born on November 20, 1948,<sup>30</sup> the Court deems it proper to increase the awards of civil indemnity, moral damages, and exemplary damages to PHP 100,000.00 each.

Finally, applying *People v. Juguetta*,<sup>31</sup> 6% interest per annum on the total monetary award was correctly imposed from finality of the verdict of conviction.

<sup>25</sup> *People v. Regaspi*, 768 Phil. 593, 598 (2015), [Per J. Peralta, Third Division].

<sup>26</sup> *People v. Moreno*, 872 Phil. 17, 28 (2020) [Per J. Hernando, Second Division].

<sup>27</sup> *Rollo*, pp. 19–20.

<sup>28</sup> Article 266-B. *Penalty*. — Rape under paragraph 1 of the next preceding article shall be punished by *reclusion perpetua*.

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<sup>29</sup> *Rollo*, p. 22.

<sup>30</sup> Records, p. 12.

<sup>31</sup> 783 Phil. 806, 848 (2016) [Per J. Peralta, *En Banc*].

**ACCORDINGLY**, the Appeal is **DENIED**. The Decision dated June 29, 2022 of the Court of Appeals in CA-G.R. CR-HC No. 03145 is **AFFIRMED** with **MODIFICATION**.

Accused-appellant XXX264352 is found **GUILTY** of **RAPE**. He is sentenced to *reclusion perpetua* and ordered to **PAY** AAA264352 PHP 100,000.00 as civil indemnity; PHP 100,000.00 as moral damages; and PHP 100,000.00 as exemplary damages.

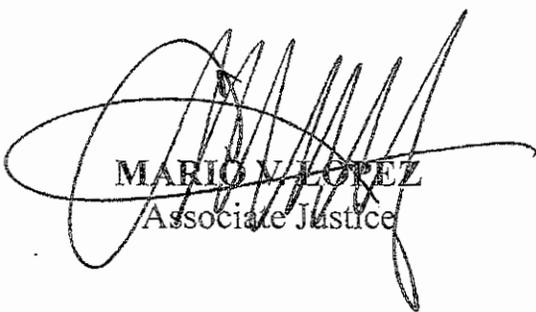
The monetary awards shall earn 6% interest *per annum* from finality of this Decision until fully paid.

**SO ORDERED.**

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

**WE CONCUR:**

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

  
**MARIO LOPEZ**  
Associate Justice

  
**JHOSEP Y. LOPEZ**  
Associate Justice

  
**ANTONIO T. KHO, JR.**  
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



**CERTIFICATION**

Pursuant to Article VIII, Section 13 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