



Republic of the Philippines
Supreme Court
Manila
FIRST DIVISION

SUPREME COURT OF THE PHILIPPINES
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NOTICE

Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated July 28, 2014 which reads as follows:

“G.R. No. 194227 – PEOPLE OF THE PHILIPPINES, Plaintiff-Appellee, v. EDMOND RUEDA, Accused-Appellant.

This case concerns an accused who has raised the sweetheart defense to reverse his conviction for two counts of rape.

Under review is the decision promulgated on August 6, 2009,¹ whereby the Court of Appeals (CA) affirmed the decision rendered on May 3, 2006 by the Regional Trial Court (RTC) in Malolos, Bulacan, finding the accused guilty beyond reasonable doubt of two counts of rape committed against AAA.²

Antecedents

At about 11:30 o’clock in the evening of October 5, 2002, AAA was coming from her work in Makati City. She alighted from the bus at Km. 41 in Pulong Buhangin, Sta. Maria, Bulacan, and was walking towards her home when a man who had been following her suddenly stopped her. The man turned out to be the accused. He quickly wrapped his arm around her neck while pointing his knife at her. He forcibly dragged her towards the Pulong Buhangin Public Market and brought her into a dark forested area. There, he forced her to lie down and ordered her to undress. She refused to undress herself, however, and he had to take off her blouse, pants and underwear himself. Once she was completely naked, he started kissing her. He then went on top of her, and inserted his penis into her vagina. He gratified his carnal lust off her. Afterwards, he told her to get up and put

¹ Rollo, pp. 2 -13; penned by Associate Justice Arturo G. Tayag (retired), and concurred in by Associate Justice Noel G. Tijam and Associate Justice Ramon R. Garcia.

² CA rollo, pp. 28-31.

her clothes on. But as soon as she got dressed up, he forced her to lie down again. He undressed, and started kissing her. He had carnal knowledge of her once more. After he was done, he had her put her garments on, and brought her to a mango tree, from where he let her go. Upon reaching her home, she reported the rapes to her parents. They immediately reported the crimes to the barangay authorities.³

In his defense, the accused claimed that he and AAA were sweethearts. On the evening of October 5, 2002, he had met her in the waiting shed in Pulong Buhangin, Sta. Maria, Bulacan at around 11:30 o'clock in the evening. At that time, she did not want to go home, and wanted them to elope, but he refused because he was still too young. Instead, he conducted her to her house, and left her there without going inside. He was later on invited by barangay officials to go to the barangay hall to give his statement. There, he was presented a written agreement prepared by the barangay officials, which stated that he and AAA would live together. At first, he refused to sign the agreement, but eventually he signed it without reading the contents. He insisted that the contents of the agreement turned out to be different from what had been read to him before he signed it. After signing the agreement, he was immediately handcuffed and brought to the municipal building where AAA filed a criminal complaint for rape against him. He denied raping her but admitted having sexual intercourse with her.⁴

At the trial, the Prosecution presented AAA; Dr. Ivan Richard Viray, the Medico-Legal Officer who had conducted the medico-legal examination on her; Sr. Insp. Fernando Mauricio and Rolando Hermogenes, both of whom were *barangay kagawad* in Pulong Buhangin, Sta. Maria, Bulacan. On its part, the Defense presented the accused and his brother, Bartolome Rueda, but the latter's direct testimony was expunged from the record following his repeated failure to appear for the cross-examination.

Ruling of the RTC

On May 3, 2006, the RTC rendered its joint decision finding the accused guilty of two counts of rape,⁵ disposing as follows:

WHEREFORE, in Criminal Case no. 769-M-2003, this Court finds the accused Edmond Rueda GUILTY beyond reasonable doubt of Rape under Article 266-A par. 1 (a) in relation to Article 266-B of the Revised Penal Code as amended and hereby sentences him to

³ Id. at 81-82.

⁴ Id. at 82-83.

⁵ Id. at 28-31.

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suffer the penalty of Reclusion Perpetua and to pay the private complainant the amount of ₱100,000.00 by way of civil liability and moral damages;

In Criminal Case No. 770-M-2003, this Court likewise finds the accused Edmond Rueda GUILTY beyond reasonable doubt of Rape under Article 266-A par. 1(a) in relation to Article 266-B of the Revised Penal Code as amended and hereby sentences him to suffer the penalty of Reclusion Perpetua and to pay the private complainant at the amount of ₱100,000.00 as civil liability and moral damages.

SO ORDERED.⁶

Decision of the CA

As stated, the CA promulgated its decision on August 6, 2009 affirming the convictions for two counts of rape,⁷ ratiocinating thuswise:

The appeal lacks merit.

In this case, We find no satisfactory factual basis that would move Us to doubt the findings of the trial court. We reviewed the records and the transcript of stenographic notes of this case and find the factual findings and the conclusions of the trial court consistent with the evidence, the law and jurisprudence. We are thoroughly convinced that the prosecution was able to establish that the accused-appellant had indeed perpetrated the terrible violations against the person and chastity of the complainant.

x x x x

WHEREFORE, in the light of the foregoing, the appeal of the accused-appellant is hereby **DISMISSED**. The appealed joint decision of the Regional Trial Court of Malolos, Bulacan, Branch II (XI) in Criminal Case Nos. 769-M-2003 and 770-M-2003 finding the accused-appellant guilty beyond reasonable doubt of the crime of Rape in two cases, is hereby **AFFIRMED in toto**.

SO ORDERED.⁸

Issue

Hence, this appeal, with the accused still positing that his guilt had not been established beyond reasonable doubt; hence, he contends that the CA erred in affirming his convictions.

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⁶ Id. at 31.

⁷ Supra note 1.

⁸ Id. at 6, 12.

Ruling of the Court

The appeal lacks merit.

Article 266-A of the *Revised Penal Code*, the law on rape, pertinently reads as follows:

Art. 266-A. *Rape. When And How Committed.* – Rape is committed –

1 By a man who shall have carnal knowledge of a woman under of the following circumstances:

a) **Through force, threat, or intimidation;** (Emphasis supplied)

x x x x

The essence of rape is carnal knowledge of a female either *against her will* (through force or intimidation) or *without her consent* (where the female is deprived of reason or otherwise unconscious, or is under 12 years of age, or is demented).⁹ Consequently, the Prosecution must prove that (a) the accused had carnal knowledge of the complainant; and (b) that such carnal knowledge was accomplished by force or intimidation, or without her consent.

Generally, only two persons, the victim and the accused, are privy to the actual commission of rape. Thus, the successful prosecution of the accused in rape is mainly dependent on the credibility of the victim.¹⁰ The findings of the trial court on the credibility of the victim are to be respected and ought not to be disturbed on appeal. Such findings, once affirmed on intermediate review, become binding and conclusive on the Court, which is not a trier of facts. It is only in exceptional circumstances that this rule is shunted aside, like when the trial court's evaluation was reached arbitrarily, or when the trial court overlooked, misunderstood or misapplied certain facts or circumstances of weight and substance that could otherwise affect the result of the case.¹¹ Alas, none of such exceptional circumstances was shown herein by the accused.

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⁹ *People v. Lupac*, G.R. No. 182230, September 19, 2012, 681 SCRA 390, 398; *People v. Taguilid*, G.R. No. 181544, April 11, 2012, 669 SCRA 341, 350; *People v. Butiong*, G.R. No. 168932, October 19, 2011, 659 SCRA 557, 568.

¹⁰ *Id.*

¹¹ *People v. Layco, Sr.*, G.R. No. 182191, May 8, 2009, 587 SCRA 803, 808.

It follows, therefore, that AAA's testimony that the accused had carnal knowledge of her sufficed to establish the commission of the rapes. Her recollection of the incidents of the two counts of rape was strong and firm. Moreover, Dr. Viray's finding of the presence of deep healed lacerations at 3:00 and 9:00 o'clock positions of AAA's genitalia confirmed her recollections. There is no question that when the testimony of the rape victim was consistent with the medical findings, sufficient basis existed to warrant the conclusion that carnal knowledge as the essential requisite of rape was thereby established.¹² AAA's assertion that the accused inserted his penis into her vagina and gratified his lust twice could not then be doubted. Verily, no woman would relish going through the process, trouble and humiliation of a public trial for the rapes committed against her unless she was truly the victim of those very serious crimes. Her motivation for undergoing such a personal debasement was only to seek and to obtain justice for herself and vindicate her honor.¹³

In fine, AAA as the victim who stated under oath that she had been raped twice by the accused met the test of credibility, and the accused could be convicted upon such lone but clear, positive, and probable testimony.¹⁴

The accused put up the sweetheart defense, probably to project that the sexual intercourse was consensual. But the Court has seldom, if at all, accepted such defense. Its acceptance has always been conditioned upon the romantic relationship between him and the victim being established by compelling independent proof, like tokens, mementos, and photographs.¹⁵ Here, however, we have only his empty declaration of their romantic relationship because the accused did not submit such kind and manner of proof.¹⁶ That was not enough to persuade us to rule in his favor. In any event, that the victim and the accused were sweethearts did not necessarily negate the commission of rape because the romantic relationship did not serve as a license for him to have carnal knowledge of her against her will. In short, their being sweethearts did not prove her consent to the sexual act.¹⁷

In contrast, the records show that AAA resisted the accused and did not voluntarily submit to his lustful aggression. Her active resistance made him wrap his arm around her neck to enable him to force her towards the dark grassy portion in the vicinity of the Pulong Buhangin Public Market, all along poking his knife at her to cow her into submission. If his sweetheart defense had any iota of truth to it, would he have needed to

¹² *People v. Venturina*, G.R. No. 183097, September 12, 2012, 680 SCRA 508, 515.

¹³ *People v. Tubat*, G.R. No. 183093, February 1, 2012, 664 SCRA 712, 720-721.

¹⁴ *Id.* at 718.

¹⁵ *People v. Olesco*, G.R. No. 174861, April 11, 2011, 647 SCRA 461, 470.

¹⁶ *Supra* note 1, at 11.

¹⁷ *People v. Olesco*, *supra* at 470-471.

apply force on her? Also, she did not undress herself willingly, impelling him to do the undressing of her himself.

In *People v. Corpuz*,¹⁸ we opined that physical resistance need not be established in rape when threats and intimidation are employed, and the victim submitted herself to the embrace of her rapist out of fear. Nonetheless, carnal knowledge of a female, even when done without force or intimidation, was rape if done without her consent.¹⁹ What was essential was that the force or intimidation be of such degree as to cow the unprotected and vulnerable victim into submission. It sufficed if the force or intimidation produced fear in her, such as when she was threatened with death.²⁰ Indeed, the degree of the force or intimidation should be viewed from the perception and judgment of the victim at the time of the commission of the crime.

The Court has to modify the civil liabilities imposed herein. The amounts for civil indemnity and moral damages should be segregated, not lumped together as the RTC did, because such liabilities were in law distinct and separate in their purposes. On the one hand, the civil indemnity was of the nature of actual damages to indemnify AAA as the victim of the rapes for her actual sufferings endured during the commission of the crimes. On the other, the moral damages were the means of assuaging her moral sufferings and were designed to restore her to her moral *status quo ante*. Her entitlement to both awards could rest on the fact alone of the commission of the rapes. There was no need for such awards to be alleged and proved. Hence, AAA was entitled to recover civil indemnity of ₱50,000.00 and moral damages of ₱50,000.00 upon each count of rape.²¹

AAA was further entitled to exemplary damages of ₱30,000.00 for each count of rape,²² it appearing that the accused had used a knife to intimidate her to submit to him twice. 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 use of the knife by the accused to force her into submission was an aggravating circumstance.²³ That the information did not allege such circumstance was of no consequence, for the Court has aptly ruled in *People v. Catubig*:²⁴

¹⁸ G.R. No. 175836, January 30, 2009, 577 SCRA 465, 473.

¹⁹ *People v. Caoile*, G.R. No. 203041, June 05, 2013, 697 SCRA 638, 655.

²⁰ *People v. Lucena*, G.R. No. 190632, February 26, 2014.

²¹ *People v. Pinic*, G.R. No. 186395, June 8, 2011, 651 SCRA 623; *People v. Macapanas*, G.R. No. 187095, May 4, 2010, 620 SCRA 54, 76.

²² *Id.*

²³ Based on Article 266-B, *Revised Penal Code*, the use of the knife, a deadly weapon, is an aggravating circumstance.

²⁴ G.R. No. 137842, August 23, 2001, 363 SCRA 621, 635.

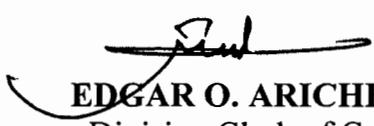
The term "aggravating circumstances" used by the Civil Code, the law not having specified otherwise, is to be understood in its broad or generic sense. The commission of an offense has a two-pronged effect, one on the public as it breaches the social order and the other upon the private victim as it 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 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*.

The Court imposes legal interest of 6% *per annum* on the amounts of the civil liabilities, reckoned from the finality of this judgment until full payment.

WHEREFORE, the Court **AFFIRMS** the decision promulgated on August 6, 2009, subject to the **MODIFICATIONS** that: (a) the civil indemnity and moral damages for each count of rape should be in the amount of ₱50,000.00; (b) exemplary damages of ₱30,000.00 for each count of rape should further be paid by the accused; (c) each item of civil liability in (a) and (b) shall earn legal interest of 6% *per annum* from the finality of this judgment until fully paid; and (d) the accused shall pay the costs of suit.

SO ORDERED."

Very truly yours,


EDGAR O. ARICHETA
Division Clerk of Court

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The Solicitor General (x)
Makati City

Court of Appeals
Manila
(CA-G.R. CR H.C. No. 02379)

The Director
Bureau of Corrections
1770 Muntinlupa City

The Hon. Presiding Judge
Regional Trial Court, Br. 11
3000 Malolos City, Bulacan
(Crim. Case Nos. 769 and 770-M-2003)

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