



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 29, 2020**, which reads as follows:

“G.R. No. 247825 (*People of the Philippines v. Ronald Dytioco y Peralta*). – This is an ordinary appeal¹ filed by accused-appellant Ronald Dytioco y Peralta (Dytioco) assailing the Resolutions dated April 13, 2018² and May 23, 2018³ of the Court of Appeals (CA) in CA-G.R. CR-HC No. 10051. The CA dismissed Dytioco’s appeal of the Joint Decision⁴ dated October 25, 2017 of the Regional Trial Court (RTC) of Valenzuela City, Branch 270 in Criminal Case Nos. 2574 to 2575-V-16. The RTC convicted Dytioco of two counts of rape under Article 266-A of the Revised Penal Code (RPC), to wit:

WHEREFORE, in the light of the foregoing, judgment is hereby rendered finding accused RONALD DYTIOCO y Peralta guilty beyond reasonable doubt for two (2) counts of Rape defined under Article 266-A and penalized under Article 266-B of the Revised Penal Code and, he is hereby sentenced to suffer the penalty of reclusion perpetua and to indemnify @ Pau for each of the Criminal Information, the amount of Php50,000.00 and to pay moral damages in the amount of Php50,000.00 and exemplary damages in the amount of Php 30,000.00.

SO ORDERED.⁵ (Emphasis in the original)

Dytioco was charged under two separate informations both dated December 12, 2016, which respectively state:

¹ Rollo, pp. 11-14.

² Penned by Associate Justice Marlene B. Gonzales-Sison, with Associate Justices Ramon Paul L. Hernando (now a Member of this Court) and Associate Justice Renato C. Francisco, concurring; id. at 3-5.

³ Id. at 6-10.

⁴ Penned by Presiding Judge Evangelina M. Francisco; CA rollo, pp. 54-65.

⁵ Id. at 65.

Criminal Case No. 2574-V-16

That on or about December 11, 2016 in Valenzuela City, and within the jurisdiction of this Honorable Court, the accused, by means of force and intimidation, did then and there wilfully, unlawfully and feloniously, have sexual intercourse with one [@PAU], 13 years old (DOB: December 25, 2002) by forcibly opening the door of the comfort room, closing it when already inside, forcibly removing her clothes pushing her to the bowl, and thereafter forcing her to stand, kissing her lips and repeatedly inserting his penis into her vagina while kissing her, which caused her pain and made her cry, against her will and without her consent.

CONTRARY TO LAW.⁶

Criminal Case No. 2575-V-16

That on or about December 11, 2016 in Valenzuela City, and within the jurisdiction of this Honorable Court, the accused, by means of force and intimidation, did then and there wilfully, unlawfully and feloniously, have sexual intercourse with one [@PAU], 13 years old (DOB: December 25, 2002) by pushing the door of the comfort room, undressing her, push[ing] her to the wall, and thereafter repeatedly inserting his penis into her vagina for half an hour which caused her pain and made her cry, against her will and without her consent.

CONTRARY TO LAW.⁷

The witnesses for the prosecution testified that on December 11, 2016, private complainant @Pau and her friend Maica Tedoro (Maica) were at Pinaglabanan Shrine, San Juan City when they saw 35 year-old⁸ Dytioco, a *taho* vendor,⁹ and his seven year-old son,¹⁰ John Aaron “*Onyok*” Dytioco (Onyok).¹¹ Onyok is @Pau’s friend. Dytioco invited them to eat and they agreed. Afterward, Dytioco invited @Pau to accompany him to purchase slippers at Puregold-Agora. @Pau once again agreed. After buying the slippers, they ate together with Maica and Onyok. Thereafter, Dytioco asked @Pau to accompany him to buy shoes. Maica was left alone with Onyok.¹²

Dytioco ordered @Pau to board a jeepney and they alighted at Cubao-Arayat, Quezon City.¹³ While waiting for the bus, he asked her what she wanted for her birthday. She responded that she wanted a dental retainer. Dytioco offered to pay for it but @Pau declined because she was already

⁶ Records (Criminal Case No. 2574-V-16), p. 1.

⁷ Records (Criminal Case No. 2575-V-16), p. 1.

⁸ CA *rollo*, p. 62.

⁹ Id. at 56.

¹⁰ Id. at 61.

¹¹ Id. at 56.

¹² Id.

¹³ TSN dated January 30, 2017, pp. 7-8.

saving up for it.¹⁴ @Pau asked Dytioco from time to time where they were going. She felt afraid because she was not familiar with their location.¹⁵

Dytioco and @Pau went to the house of Christina Cuanico (Christina) and Carlito Cuanico (Carlito)¹⁶ at Northville, Punturin, Valenzuela City.¹⁷ Christina is Dytioco's godchild,¹⁸ while Carlito is the friend of Dytioco's mother.¹⁹ Dytioco compelled @Pau to enter the house against her wishes. He then instructed Christina and another teenager, who were both inside the house, to purchase RC Cola and cigarettes. Once they were alone, Dytioco told @Pau that she must be submissive to him and obey all his orders if she wanted to go home. He started caressing her arms and only stopped when the teenagers returned.²⁰

After eating, the teenagers left again. This time, Dytioco ordered @Pau to face him and kiss him. She refused and began to cry. He told her to go to the bathroom to wash her private part and leave the door unlocked. @Pau proceeded to the bathroom and Dytioco followed her soon after. He told her to remove her clothes or else she will not be able to go home. @Pau fearfully complied. When she was naked, Dytioco inserted his penis inside her private part. He ejaculated.²¹

They left the house and walked to a nearby house.²² While inside the bathroom of the house, Dytioco told her to bend down on the toilet. Yet again, he inserted his penis inside her private part and asked her "*Masarap ba?*"²³ @Pau felt pain and she cried. After he was finished, Dytioco took a bath and explained to her that he did it because he missed his wife and wanted her to have a better life. He gave her ₱500.00, which she refused to take.²⁴

Thereafter, Dytioco took her to Ryze Y. Baleña's (Ryze) house where he kissed her. Ryze has known Dytioco since 1992 and he is the godfather of her eldest son.²⁵ While he drank liquor outside, Ryze noticed that @Pau was crying. @Pau revealed what happened to her. Dytioco later whispered to her "*Sige, ipahiya mo lang ako dito, may tatlong putok ka sa akin mamaya.*"²⁶ Nonetheless, Ryze brought @Pau to a computer shop to contact her mother. When the owner of the computer shop found out what Dytioco did to her, she was brought to the Punturin police station.²⁷ @Pau's mother, @Dai, went to

¹⁴ CA rollo, p. 56.
¹⁵ TSN dated February 20, 2017, p. 10.
¹⁶ CA rollo, pp. 60, 62
¹⁷ Id. at 56.
¹⁸ Id. at 62.
¹⁹ Id. at 60.
²⁰ Id. at 56.
²¹ Id.
²² TSN dated February 20, 2017, p. 13.
²³ CA rollo, p. 57.
²⁴ Id. at 56-57.
²⁵ Id. at 58.
²⁶ Id. at 57.
²⁷ Id.

the police station when she was informed that her daughter was there. Maica also went to the police station with her own mother.²⁸

Maica corroborated @Pau's testimony.²⁹ @Dai also testified for the prosecution. She said that her daughter left at 10:00 a.m. on December 11, 2016 to go to church with Maica.³⁰ She eventually reported to the Barangay (Brgy.) officials of Brgy. Corazon de Jesus, Pinaglabanan, San Juan City that her daughter was missing. When they went home, @Dai informed the Brgy. Captain of Brgy. Corazon de Jesus what happened. He announced it through a loudspeaker. Consequently, @Pau's ordeal spread through Facebook.³¹ As a result, she did not want to go to school anymore or go outside.³²

Ryze testified that @Pau was the second woman that Dytioco brought to her house. @Pau stayed with her eight children inside the house while Dytioco talked to her outside. Dytioco introduced @Pau as his girlfriend.³³ Initially, he claimed that she was already 25 years old but later on admitted that she was only 13 years old.³⁴ Ryze said that it would have been impossible for Dytioco to rape @Pau because she was with her children. Nonetheless, she admitted that @Pau was crying because Dytioco did not allow her to go home. Ryze told her husband to convince Dytioco to fetch Onyok. He relented after they promised that @Pau would still be at their house upon his return. Once he left, Ryze brought @Pau to the computer shop.³⁵

Carlito appeared as a witness for the prosecution³⁶ and confirmed that Dytioco and @Pau went to their house. He thought @Pau was Dytioco's niece. However, he was not privy to what happened between the two because he was outside the house taking care of his *kalakal*.³⁷

PCI Jocelyn P. Cruz (PCI J. Cruz), another witness for the prosecution,³⁸ conducted a physical/ano-genital examination on @Pau on December 12, 2016. She found the following: (1) presence of fresh laceration located on her *labia majora* measuring 0.5 x 0.2 cm; (2) presence of deep fresh laceration at 4 and 5 o'clock positions of the hymen; and (3) presence of fresh laceration on the posterior *fourchette* measuring 1.0 x 0.3 cm. According to PCI J. Cruz, the lacerations occurred within 24 hours of the injury and could have been caused by a blunt object, such as an erected penis. The number of injuries sustained in @Pau's hymen means that she could have been raped several times during the same day either in the lying position or the standing position. The third laceration indicates that the person who penetrated @Pau

²⁸ Id. at 57-58.

²⁹ Id.

³⁰ Id. at 58.

³¹ Id. at 57.

³² Id. at 58.

³³ Id.

³⁴ Id. at 58-59.

³⁵ Id. at 59.

³⁶ Id. at 60.

³⁷ Id.

³⁸ Id. at 59.

could have been behind her. PCI J. Cruz prepared the following documents: (1) Initial Medico-Legal Report; (2) Final Medico-Legal Report; (3) Sexual Crime Protocol (brief history); (4) Manifestation of Consent; (5) Anatomical Sketch; and (6) Sexual Crime Protocol.³⁹

SPO2 Lorena Hernandez⁴⁰ (SPO2 Hernandez), PO1 Jinky Liwag⁴¹ (PO1 Liwag), and PCI Argentina Casiño⁴² (PCI Casiño), likewise, testified for the prosecution. PO1 Liwag was one of the investigators of the case. She took @Pau's and Maica's statements. She also obtained the results of the DNA examination on the pink underwear @Pau was wearing on the day of the incident.⁴³ SPO2 Hernandez was the Head Investigator of the Women's Desk at the Valenzuela Police Station. She testified that @Pau's pink underwear was wrapped in a brown envelope which was then sealed. It was submitted to the Philippine National Police Crime (PNP) Crime Laboratory for examination.⁴⁴ PCI Casiño was the one who conducted the DNA examination on @Pau's pink underwear. She found a mixture of DNA with male DNA. She was able to generate female DNA from the epithelial extraction of the bloodstain on the underwear.⁴⁵ She conducted another examination using Dytioco's DNA sample after he consented to give it. Based on the results, the female and male DNA obtained from the underwear belonged to @Pau and Dytioco.⁴⁶ PCI Casiño prepared the following reports: (1) Initial DNA Laboratory Report;⁴⁷ (2) DNA Laboratory Report with Control No. 03407; and (3) DNA Report No. 3115.⁴⁸

The parties dispensed with the testimony of PCI Teresa Cruz and stipulated that she turned over one pink underwear with bloodstain to the PNP Laboratory for DNA examination and that she could identify the underwear.⁴⁹ The parties also stipulated on the following: (1) the identity of the accused; (2) the territorial jurisdiction of the court; (3) that Onyok, @Pau, and Maica are friends; and (4) that Onyok, @Pau, Maica, and Dytioco were together in Puregold Agora-San Juan.⁵⁰

Dytioco pleaded not guilty to both charges.⁵¹ He asserted that @Pau claimed that she was already 18 years old and was a Grade 9 or 10 student.⁵² He said that he had sexual intercourse with @Pau at 1:00 a.m. to 2:00 a.m. on December 10, 2016 at her friend's birthday party. He left her at her friend's house. They agreed to meet the next day. When they met again, he noticed

³⁹ Id.
⁴⁰ Id. at 59-60.
⁴¹ Id. at 60.
⁴² Id. at 60-61.
⁴³ Id. at 60.
⁴⁴ Id. at 59-60.
⁴⁵ Id. at 60.
⁴⁶ Id. at 61.
⁴⁷ Id. at 55, 60.
⁴⁸ Id. at 60-61.
⁴⁹ Records (Criminal Case No. 2575-V-16), pp. 140-141.
⁵⁰ CA *rollo*, p. 55.
⁵¹ Id.
⁵² Id. at 62.

that she was wearing the same clothes. She did not go home because she was afraid. She asked him if he knew a place where they could go together. Thus, they left Onyok with Maica and went to Valenzuela City.⁵³ They first proceeded to Christina's house where they stayed for one hour. They transferred to his grandmother's house where they only stayed for 15 minutes. He introduced @Pau to his grandmother as his friend. Lastly, they spent 30 minutes at the drinking spree of his friend Bobby and Bobby's wife Lisa whom they chanced upon on their way home. @Pau was crying because she was afraid of her parents for failing to go home. Thus, Dytioco decided to leave @Pau at his friend's place. He argued that the underwear examined by PCI Casiño was the same underwear that @Pau wore when they had sexual intercourse on December 10, 2016.⁵⁴

Christina appeared as a witness for Dytioco and claimed that he and @Pau were whispering and laughing while they were at her house. @Pau smoked a cigarette which Dytioco instructed Christina to purchase. She left her house and when she returned, she saw Dytioco and @Pau leave the comfort room. @Pau was wrapped in a towel and looked happy. She even asked Christina if her pants got wet.⁵⁵

On October 25, 2017, the RTC found Dytioco guilty of two counts of rape and sentenced him to suffer the penalty of *reclusion perpetua* and to pay @Pau ₱50,000.00 as civil indemnity, ₱50,000.00 as moral damages, and ₱30,000.00 as exemplary damages.⁵⁶ The RTC held that the prosecution was able to prove that Dytioco had carnal knowledge of @Pau and his threat that @Pau can no longer go home if she doesn't give in to him was sufficient to intimidate her into submission.⁵⁷ More importantly, she could not give valid consent because she was only 13 years old.⁵⁸ @Pau's positive, categorical, candid, and credible testimony was not overcome by Dytioco's weak defense of denial and alibi. The RTC was not convinced that she pretended to be of legal age. @Pau's physical appearance and her manner of speaking clearly shows that she was still a child.⁵⁹

Dytioco appealed to the CA. On March 2, 2018, he filed a Motion for Extension of Time⁶⁰ asking for an additional 30 days within which to file his brief, or until April 1, 2018, instead of the original deadline of March 2, 2018. The CA granted his motion on March 20, 2018.⁶¹ On March 28, 2018, Dytioco filed another Motion for Further Extension of Time,⁶² this time requesting for an additional period of 30 days to file his brief. On April 13, 2018, the CA resolved to deny his second motion and deemed his appeal abandoned and

⁵³ Id. at 61.

⁵⁴ Id. at 62.

⁵⁵ Id.

⁵⁶ Id. at 65.

⁵⁷ Id. at 64-65

⁵⁸ Id. at 64.

⁵⁹ Id. at 64-65.

⁶⁰ Id. at 20-21.

⁶¹ Id. at 7.

⁶² Id. at 25-26.

dismissed it due to his failure to file his brief. The CA held that it already warned Dytioco that no further extensions would be granted to him.⁶³ His counsel's excuse of heavy pressure of work was self-serving and insufficient to justify a relaxation of the rules in his favour.⁶⁴

On April 16, 2018, Dytioco filed a Motion for Reconsideration⁶⁵ of the CA's March 20, 2018 Resolution. Dytioco claimed that he received the resolution only on April 2, 2018. Prior to this, he already asked for a further extension of his deadline.⁶⁶ He apologized for the non-filing of his brief, claimed that his counsel tries to manage his cases efficiently, and raised due process concerns. The CA merely noted his motion because it already dismissed his appeal.⁶⁷ The CA found his counsel's excuse of heavy work as flimsy. Dytioco should not have expected that he would be granted a further extension of his deadline.⁶⁸

Dytioco received the April 13, 2018 Resolution of the CA on May 8, 2018 and filed a Notice of Appeal⁶⁹ with the CA on May 10, 2018. We ordered the parties to file their respective supplemental briefs. Dytioco manifested before this Court that his brief⁷⁰ attached to his motion for reconsideration of the March 20, 2018 Resolution of the CA should be considered as his supplemental brief.⁷¹ Respondent manifested that it did not file a brief because the CA dismissed the appeal.⁷²

Dytioco argued in his appellant's brief⁷³ that the RTC erred in giving undue weight to @Pau's testimony. *First*, it was absurd that she had no mobile phone or money on December 11, 2016 when she was supposed to meet her boyfriend that day.⁷⁴ *Second*, she had a number of opportunities to run, escape, or ask for help but she did not do so.⁷⁵ She even held onto Dytioco when he inserted his penis into her and lifted her instead of boxing him.⁷⁶ @Pau's testimony was grossly inconsistent with the "common experience of mankind."⁷⁷ Hence, Dytioco should have been acquitted.⁷⁸

⁶³ *Rollo*, pp. 3-4.

⁶⁴ *Id.* at 4.

⁶⁵ *CA rollo*, pp. 32-36.

⁶⁶ *Id.* at 32-33.

⁶⁷ *Rollo*, pp. 7-8.

⁶⁸ *Id.* at 8-9.

⁶⁹ *Id.* at 11

⁷⁰ *CA rollo*, pp. 38-53.

⁷¹ *Rollo*, p. 31.

⁷² *Id.* at 19.

⁷³ *CA rollo*, 38-53.

⁷⁴ *Id.* at 47.

⁷⁵ *Id.*

⁷⁶ *Id.* at 47-48.

⁷⁷ *Id.* at 49.

⁷⁸ *Id.* at 51.

Issue

The issue before Us is whether the CA erred in dismissing Dytioco's appeal.

The Court's Ruling

We dismiss his appeal.

Although the CA dismissed Dytioco's appeal due to his failure to timely file his appellant's brief, We shall nonetheless consider the arguments raised by Dytioco in his appellant's brief which he was able to submit together with his motion for reconsideration of the CA's Resolution dated March 20, 2018.

Dytioco failed to show why his guilt as found by the RTC should be set aside. @Pau's testimony, together with the results of the DNA examination showing the presence of Dytioco's DNA in her underwear, was more than sufficient to establish Dytioco's guilt. @Pau testified that Dytioco threatened and forced her to have sexual intercourse with him. In addition, PCI J. Cruz said that @Pau's injuries were sustained forcefully, thus indicating that sexual intercourse was less likely to be consensual.⁷⁹

The arguments raised by Dytioco to undermine @Pau's testimony were unconvincing. @Pau not having a cellphone and money on December 11, 2016 is hardly absurd and incredulous. @Dai explained that they did not give @Pau a cellphone because she broke the ones given to her before.⁸⁰ With respect to @Pau's failure to escape or ask for help despite having the opportunity to do so, @Pau explained that she was scared.⁸¹ It is noteworthy that she had no money of her own that she could use to pay for her fare to go home.⁸² As for holding onto Dytioco while he took advantage of her, @Pau said that she gave up because no one came to her aid even though she made some noise.⁸³ In any event, resistance is not necessary to prove rape.⁸⁴ We have said that the "workings of the human mind placed under emotional stress are unpredictable such that different people react differently to a given situation or type of situation and there is no standard form of behavioral response when one is confronted with a strange or startling or frightful experience."⁸⁵ We are not going to discredit @Pau's testimony simply because she did not attack Dytioco or persistently ask for help from strangers. Moreover, @Pau was visibly shaken by her experience when @Dai and Maica saw her crying at the police station.⁸⁶ If she truly consented to have sexual intercourse with Dytioco, she would not have been so upset at what happened.

⁷⁹ TSN dated April 10, 2017, p. 10.

⁸⁰ TSN dated March 13, 2017, p. 23.

⁸¹ TSN dated February 20, 2017, p. 7.

⁸² Id. at 18.

⁸³ Id. at 13.

⁸⁴ *People v. Bensurto, Jr. y Bolohabo*, 802 Phil. 766 (2016).

⁸⁵ *Pendoy y Posadas v. Court of Appeals*, G.R. No. 228223, June 10, 2019.

⁸⁶ TSN dated March 7, 2017, p. 9; TSN dated March 13, 2017, p. 9.

Dytioco has not given any reason why @Pau would falsely accuse him of rape and subject herself to bullying from school that was so unbearable, she opted to study at home.

Dytioco's excuse that he thought @Pau was already of legal age and that they had sexual intercourse the day before is likewise unpersuasive. Ryze, despite claiming that rape was impossible, admitted that Dytioco knew that @Pau was only a minor.⁸⁷

Considering the foregoing, we see no reason to set aside the rulings of the RTC and the CA. Nonetheless, the damages awarded to @Pau should be increased pursuant to the case of *People v. Jugueta*.⁸⁸ Accordingly, the civil indemnity, moral damages, and exemplary damages should all be raised to ₱75,000.00. The damages awarded should be subject to legal interest.⁸⁹ We also clarify that the penalties of imprisonment and damages are imposed for each count of rape that Dytioco is found guilty of.

WHEREFORE, the appeal is **DISMISSED**. The Resolutions dated April 13, 2018 and May 23, 2018 of the Court of Appeals in CA-G.R. CR-HC No. 10051 dismissing accused-appellant Ronald Dytioco y Peralta's appeal of the Decision dated October 25, 2017 of the Regional Trial Court of Valenzuela City, Branch 270 in Criminal Case Nos. 2574 to 2575-V-16 finding him guilty of two counts of rape under Article 266-A of the Revised Penal Code, and sentencing him to suffer the penalty of *reclusion perpetua* for each count, are **AFFIRMED with MODIFICATION** in that accused-appellant Ronald Dytioco y Peralta is **ORDERED** to pay @Pau, for each count, civil indemnity, moral damages, and exemplary damages amounting to ₱75,000.00 each. The amounts due shall earn legal interest of six percent (6%) *per annum* from the finality of this Resolution until fully paid.⁹⁰

SO ORDERED."

Very truly yours,

Misael Domingo C. Battung III
MISAELO DOMINGO C. BATTUNG III
Division Clerk of Court

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⁸⁷ TSN dated March 20, 2017, p. 9.

⁸⁸ 783 Phil. 806, 848 (2016).

⁸⁹ Id. at 849.

⁹⁰ *Nacar v. Gallery Frames*, 716 Phil. 267, 283 (2013).

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(Criminal Case Nos. 2574-2575-V-16)

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