



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated **November 10, 2020** which reads as follows:*

“G.R. No. 242517 – PEOPLE OF THE PHILIPPINES, plaintiff-appellee, versus XXX,* accused-appellant.

After a careful review of the records of the case and the issues submitted by the parties, the Court finds no error committed in the Decision¹ dated May 23, 2018 (Decision) of the Court of Appeals (CA) in CA-G.R. CR-H.C. No. 09448. The facts, as borne out by the records, sufficiently support the conclusion that accused-appellant XXX is **GUILTY** of two (2) counts of Rape. The issues and matters raised before the Court, the same ones as those raised in the CA, there being no supplemental briefs filed, were sufficiently addressed and correctly ruled upon by the CA.

It is well-settled that in the absence of facts or circumstances of weight and substance that would affect the result of the case, appellate

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* The identity of the victim or any information which could establish or compromise her identity, as well as those of her immediate family or household members, shall be withheld pursuant to R.A. No. 7610, entitled “AN ACT PROVIDING FOR STRONGER DETERRENCE AND SPECIAL PROTECTION AGAINST CHILD ABUSE, EXPLOITATION AND DISCRIMINATION, AND FOR OTHER PURPOSES,” approved on June 17, 1992; Republic Act No. 9262, entitled “AN ACT DEFINING VIOLENCE AGAINST WOMEN AND THEIR CHILDREN, PROVIDING FOR PROTECTIVE MEASURES FOR VICTIMS, PRESCRIBING PENALTIES THEREFORE, AND FOR OTHER PURPOSES,” approved on March 8, 2004; and Section 40 of A.M. No. 04-10-11-SC, otherwise known as the “Rule on Violence against Women and Their Children” (November 15, 2004). (See footnote 4 in *People v. Cadano, Jr.*, 729 Phil. 576, 578 [2014], citing *People v. Lomaque*, 710 Phil. 338, 342 [2013]. See also Amended Administrative Circular No. 83-2015, entitled “PROTOCOLS AND PROCEDURES IN THE PROMULGATION, PUBLICATION, AND POSTING ON THE WEBSITES OF DECISIONS, FINAL RESOLUTIONS, AND FINAL ORDERS USING FICTITIOUS NAMES/PERSONAL CIRCUMSTANCES,” dated September 5, 2017); *People v. XXX*, G.R. No. 235652, July 9, 2018, 871 SCRA 424.

¹ *Rollo*, pp. 2-15. Penned by Associate Justice Apolinario D. Bruselas, Jr. with Associate Justices Carmelita Salandanan Manahan and Rafael Antonio M. Santos, concurring.

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courts will not overturn the factual findings of the trial court.² Thus, when the case pivots on the issue of the credibility of the victim, the findings of the trial courts necessarily carry great weight and respect as they are afforded the unique opportunity to ascertain the demeanor and sincerity of witnesses during trial.³ Here, after examining the records of this case, the Court finds no cogent reason to vacate the Regional Trial Court's appreciation of the evidence, which was affirmed with modification by the CA.

XXX raises the following arguments to question his conviction. He contends that: (1) AAA should have struggled or at least shouted for help and that AAA did not even mention that XXX used a fatal weapon when he allegedly threatened her;⁴ (2) AAA's behavior after the alleged rape incidents contradicts her fear because she just resumed normal life and did not tell anyone of the horrifying incidents that allegedly happened in 2010;⁵ (3) AAA's actions after the two latest rape incidents were also questionable as she continued to remain in the house of Remedios after she was allegedly raped on February 10 and 13, 2014;⁶ (4) the presence of the shallow healed laceration at 6 o'clock position on AAA's hymen did not in any way prove that she was sexually abused by XXX for it may have been caused by other factors;⁷ and (5) AAA bears a grudge against him because he scolded and slapped AAA, which incident earned her resentment.⁸

However, these arguments deserve scant consideration.

The first contention of XXX that AAA did not struggle or shout for help and that he did not use any deadly weapon is of little significance. Although XXX did not use force, it was established by the prosecution that AAA had been raped several times by XXX since 2010 and that XXX repeatedly *threatened* AAA, including the two most recent rape incidents wherein XXX threatened, that he would kill AAA's mother if AAA would create any noise or would tell anyone about the rape incidents. Surely, this instilled fear in AAA, especially because she was only a minor at the time of the rape incidents. Significantly, XXX is the common-law spouse of BBB, AAA's mother. It has been established that in rape committed by a close kin, such as the victim's father, stepfather, uncle, or the

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² *People v. Gerola*, G.R. No. 217973, July 19, 2017, 831 SCRA 469, 478.

³ *People v. Aguilar*, G.R. No. 177749, December 17, 2007, 540 SCRA 509, 522.

⁴ *Rollo*, p. 7.

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

⁸ *Id.* at 6.

common-law spouse of her mother, it is not necessary that actual force or intimidation be employed; moral influence or ascendancy takes the place of violence or intimidation.⁹

As to the second and third contentions of XXX regarding the behavior of AAA after the rape incidents, the Court has repeatedly held that there is no standard norm of behavior for victims of rape during the forcible *coitus* and its ugly aftermath. This is especially true with child victims.¹⁰ One cannot be expected to act as usual in an unfamiliar situation as it is impossible to predict the workings of a human mind placed under emotional stress. Moreover, it is wrong to say that there is a standard reaction or behavior among victims of the crime of rape since each of them had to cope with different circumstances.¹¹

At this juncture, it is worthy to emphasize the **fear** ingrained by XXX on the hapless minor victim, as shown in her testimony:

Q What did you feel when he said “Basta sumama ka sa akin kung hindi papatayin ko kayo”?

A I was **afraid**, sir.

x x x x

Q When you was (*sic*) afraid, what did you do?

A I wanted to tell the matter to my mother but he said not to tell my mother about it, sir.

x x x x

Q Did you not tell the people inside the bus that you don't want to go with your stepfather?

A No, sir because I was **afraid**.

x x x x

Q Did you not tell Ate Remedios that you are the daughter of your stepfather and you were just forced by him?

A No, sir.

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⁹ *People v. Corpuz*, G.R. No. 175836, January 30, 2009, 577 SCRA 465, 473.

¹⁰ *People v. Gayomma*, G.R. No. 128129, September 30, 1999, 315 SCRA 639, 645.

¹¹ *People v. Brioso*, G.R. No. 209344, June 27, 2016, 794 SCRA 562, 579.

Q Why?

A Because I was **afraid**.

x x x x

Q By the way, on the night that it happened on February 10, were there other people inside that house?

A Yes, sir but they were sleeping, sir.

Q Did you not try to wake them up and tell them what happened?

A No, sir.

Q Why?

A Because I was **afraid**, sir.

Court:

Q To whom are you afraid?

A I was **afraid** of him, your Honor.

Q Why are you **afraid** of him?

A Because he was threatening me, your Honor.

x x x x

Q What happened on February 10, did it happen again?

A Yes, Sir.

Q When?

A On February 13 early morning, sir.

Q On February 12 did you not tell anyone or did you try to leave the house?

A No, sir.

Q Why?

A I was **afraid**, sir.¹² (Emphasis supplied)

Clearly, AAA had a deep traumatic fear of XXX because of the multiple times she had been raped and threatened even prior to the

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¹² TSN, May 15, 2014, pp. 7-12.

two rape incidents subject of the instant case. It is thus believable that AAA could not resist XXX when he *forced* her to go to Valenzuela City with him:

Q [AAA], do you still remember where you were on February 10, 2014 at about 6:00 o'clock in the morning?

A I was in Dagupan, sir.

Q What were you doing?

A I was going to [school] then he chased me, sir.

Q When you said he chased you[,] who chased you?

A [XXX], sir. (The witness pointed to the accused)

Q Why did he chase you?

A He wanted me to get away from my mother, sir.

Q What did he tell you?

A He said "sumama ka sa akin", sir.

Q What did you tell him?

A I said I don't like, sir.

Q Where is the place he wanted you to go to with him?

A In Cubao, Sir.

Q When you said "you do not like", what did he tell you?

A He said, "basta sumama ka saakin", sir.

Q How did he tell you "Basta sumama ka sa akin?"

A "Basta sumama ka sa akin kung hindi papatayin ko kayo", sir.

Q What was his tone of voice?

A Parang nangugulat, sir.

Q What did you feel when he said "Basta sumama ka sa akin kung hindi papatayin ko kayo?"

A I was **afraid**, sir.

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x x x x

Q How did you go to Valenzuela from Cubao?

A We again rode a bus, sir.

Q In the terminal, in Cubao, did you not tell anyone there that you don't want to go [with] that man?

A No, sir because I was **afraid**.

Q When you were going to Valenzuela riding a bus, did you not talk to the passengers in the bus that you don't want to go [with] that man.

A No, sir.

Q Why?

A Because I was **afraid**, sir.

x x x x

Q How did he force you to go with him?

A He pulled me, ma'am.

Q Where did he pull you?

A I ran and he chased me, and that was the time I "ginuyod" niya ko, ma'am.

Q When he chased you were you in your house?

A I was in the street and I was supposed to go to school, ma'am.

Q So you were in the street?

A We were in the town proper (bayan). I ran and he chased me and then he pulled me, ma'am.

Q When you ran you did not shout for help?

A No, I just cried, ma'am.¹³ (Emphasis supplied)

In addition, although AAA did not immediately report the rape incidents which started in 2010, there was actually no delay in reporting the two (2) rape incidents subject of this instant case. AAA

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¹³ Id. at 6-25.

was raped on February 10 and 13, 2014 and she reported the incident to the police immediately on February 13, 2014 after her mother fetched her from the house of a certain Remedios.¹⁴

With regard to XXX's fourth contention, the bare allegation of XXX that the shallow healed laceration in AAA's vagina could have been caused by other factors does not deserve any merit. As correctly held by the CA, a medical examination, standing alone, is not sufficient to prove nor disprove the fact of rape because it is merely corroborative in character and is not an essential element of rape.¹⁵ However, AAA's claim that she was sexually violated by XXX was corroborated by Dr. Gracia Catherine C. Guno's (Dr. Guno) medical findings.¹⁶ 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 thereby been established.¹⁷ Thus, the unsupported contention of XXX is easily defeated by the positive testimony of AAA coupled with the medical findings of Dr. Guno.

XXX's claim that the reason why AAA reported him is because she bears a grudge against him is flimsy. The Court agrees with the CA that it is not easily believable for a young girl to publicly and falsely accuse the common-law spouse of her mother, who has moral ascendancy over her, in retaliation for a *minor* disciplinary measure.¹⁸ As held in a *People v. Pacheco*,¹⁹

Accused-appellant claims that AAA bears a grudge against him. He theorizes that he was wrongfully charged of rape after he spanked AAA and earned her resentment. This Court, however, finds AAA's version more believable. As the trial court noted, she bore a grudge against accused-appellant for raping her repeatedly. Yet this grudge was not the basis of the rape complaint. As the lower court observed, it was natural for AAA to harbor ill feelings against accused-appellant but that factor alone would not affect her credibility. It is quite incredible for a young girl to publicly and falsely accuse her stepfather of rape in retaliation for a minor disciplinary measure. The burden of going through a rape prosecution is grossly out of proportion to whatever revenge the young girl would be able to exact. The Court has justifiably thus

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¹⁴ *Rollo*, p. 11.

¹⁵ *Id.* at 11-12.

¹⁶ *Id.* at 12.

¹⁷ *People v. Bagaua*, GR No. 147943, December 12, 2002, 394 SCRA 54, 63-64.

¹⁸ *Rollo*, p. 12.

¹⁹ G.R. No. 187742, April 20, 2010, 618 SCRA 606.

ruled, as the OSG noted, that a girl of tender age would not allow herself to go through the humiliation of a public trial if not to pursue justice for what has happened.²⁰

WHEREFORE, premises considered, the appeal²¹ is **DISMISSED** for lack of merit. The Court hereby **ADOPTS** the findings of fact and conclusions of law in the Decision dated May 23, 2018 of the Court of Appeals in CA-G.R. CR-H.C. No. 09448. Accused-appellant XXX is found **GUILTY** beyond reasonable doubt of two (2) counts of Rape. He is sentenced to suffer the penalty of *reclusion perpetua* and is ordered to pay **AAA 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 for each count of Rape.** All monetary awards shall earn interest at the legal rate of six percent (6%) per annum from the date of finality of this Resolution until fully paid.

SO ORDERED.”

By authority of the Court:


LIBRADA C. BUENA
Division Clerk of Court

by:

MARIA TERESA B. SIBULO
Deputy Division Clerk of Court
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The Solicitor General
134 Amorsolo Street, Legaspi Village
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Court of Appeals (x)
Manila
(CA-G.R. CR HC No. 09448)

The Hon. Presiding Judge
Regional Trial Court, Branch 172
1440 Valenzuela City
(Crim. Case Nos. 185-V-14
& 186-V-14)

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²⁰ Id. at 616.

²¹ *Rollo*, pp. 16-17.



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