



REPUBLIC OF THE PHILIPPINES  
SUPREME COURT  
Manila

SECOND DIVISION

**NOTICE**

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **28 April 2021** which reads as follows:*

**“G.R. No. 226841 (*People of the Philippines v. Ronel Nuñez*).** —The conviction of Ronel Nuñez (Ronel) for Simple Rape is the subject of review in this appeal assailing the April 15, 2016 Decision<sup>1</sup> of the Court of Appeals (CA) in CA-G.R. CR-HC. No. 07190, which affirmed the findings of the Regional Trial Court (RTC).

**ANTECEDENTS**

Ronel was charged with rape under the following Information:

That on or about April 13, 2009 at Los Baños, Laguna and within the jurisdiction of this Honorable Court, the above-named accused through force, violence and intimidation, did then and there, willfully, unlawfully and feloniously had carnal knowledge with a sixteen (16) year old minor [AAA],<sup>2</sup> against her will and consent, to her damage and prejudice.

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

When arraigned, Ronel pleaded not guilty. Trial then ensued.

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<sup>1</sup> *Rollo*, pp. 2-11; penned by Associate Justice Manuel M. Barrios, with the concurrence of Associate Justices Ramon M. Bato, Jr. and Maria Elisa Sempio Diy.

<sup>2</sup> Modified pursuant to Amended Administrative Circular No. 83-15 of the Supreme Court dated September 5, 2017, Re: “Protocols and Procedures in the Promulgation, Publication, and Posting on the Websites of Decisions, Final Resolution, and Final Orders Using Fictitious Names/Personal Circumstances.”

<sup>3</sup> Records, p. 1.

AAA narrated that she was Ronel's girlfriend after they met on December 21, 2008.<sup>4</sup> At that time, she was 16 years old<sup>5</sup> and in third year high school, and Ronel was a tricycle driver, who frequently fetched her from night school. On April 13, 2009, after AAA got her report card and processed her clearance in school, she met Ronel and her friends, Mary Ann Mendoza (Mary Ann), Marry Ann's boyfriend who she knew as Marwin, and a certain Lani. At around 2:30 p.m., they all went to Marwin's house at Sta. Rita Subdivision, San Antonio, Los Baños, Laguna. There, Ronel brought AAA inside a room and asked her to have intercourse with him. AAA refused and told him that her mother will get angry. However, Ronel continued to undress himself and then took off AAA's pants and underwear. Ronel told AAA, "*isang beses lang.*" She refused, but Ronel did not listen and still went on top of AAA and inserted his penis in her vagina. After the sexual act, AAA felt pain in her vagina since she was still a virgin before the incident happened; she then left and went home. When AAA reached her home, she confessed to her parents what happened. Her parents got angry and went to the *barangay* to file a complaint. AAA was also brought to Camp Vicente Lim, Canlubang, Laguna for examination.<sup>6</sup>

Dr. Roy A. Camarillo (Dr. Camarillo) testified that he examined AAA on April 14, 2009, and issued a Medico Legal Certificate,<sup>7</sup> which found "*PRESENCE OF SHALLOW HEALING LACERATION at 3 o'clock and DEEP HEALING LACERATION at 6 o'clock positions. x x x. CONCLUSION: MEDICAL EXAMINATION SHOWS BLUNT HEALING TRAUMA TO THE HYMEN.*"<sup>8</sup> Dr. Camarillo explained that the shallow healing laceration signified that the laceration was not able to penetrate the whole depth of the hymen; while the deep healing laceration means that the injury is more than one-half of the entire width of the hymen. Both lacerations were deemed healing since the alleged sexual act took place a day before the examination. Dr. Camarillo also declared that hymenal lacerations can be caused by penetration of any hard object, which can be an erect penis, finger, or any hard object, and concluded that the lacerations were the result of sexual assault.<sup>9</sup>

The RTC, in its November 6, 2014 Judgment,<sup>10</sup> gave more credence to the evidence of the prosecution and convicted Ronel as follows:

**IN VIEW OF THE FOREGOING**, the Court finds the accused, **RONEL NUÑEZ, GUILTY BEYOND REASONABLE DOUBT** of the crime of **RAPE** and is hereby sentenced to suffer the penalty of *Reclusion Perpetua*. Accused is further **ORDERED** to indemnify the private complainant Fifty Thousand Pesos (₱50,000.00) as civil indemnity and Fifty Thousand Pesos (₱50,000.00) as moral damages.

<sup>4</sup> TSN, June 3, 2010, p. 4.

<sup>5</sup> Records, p. 8.

<sup>6</sup> TSN, June 3, 2010, pp. 5-19.

<sup>7</sup> TSN, November 26, 2009, pp. 4-6.

<sup>8</sup> Records, p. 9.

<sup>9</sup> TSN, November 26, 2009, pp. 6-7.

<sup>10</sup> CA *rollo*, pp. 14-24; penned by Presiding Judge Caesar C. Buenagua.

**SO ORDERED.**<sup>11</sup>

The RTC held that the sexual intercourse between Ronel and AAA and their relationship were undisputed. Ronel failed to prove that the sexual congress was consensual, and noted that accused is 11 years older than AAA, with moral, mental, and physical advantage to force and compel her to submit to his desires. Ronel's defenses – that AAA did not resist, there were other people present making it impossible to commit the crime, and that AAA was only forced to complain because her mother got angry – lack factual and legal bases to warrant his acquittal.

On appeal, Ronel alleged that the RTC erred in giving full faith and credence to the inconsistent and contradictory testimony of AAA, and that the prosecution failed to establish that he had carnal knowledge of AAA through force and intimidation.<sup>12</sup> On the other hand, the People, through the Office of the Solicitor General (OSG), averred that all the elements of rape were proved by the prosecution. AAA's testimony was clear and unwavering, and was strongly corroborated by medical findings. Also, Ronel employed force and intimidation when he forced himself upon AAA when the latter was already refusing his advances.<sup>13</sup> The CA affirmed Ronel's conviction, and ruled that it is not necessary that the force or intimidation employed by the accused be so great or of such character as could not be resisted. The obvious disparity between the ages and physical strengths of Ronel and AAA manifest the futility of any resistance exerted by AAA to repel Ronel's lustful design.<sup>14</sup>

Hence, this appeal. Ronel<sup>15</sup> and the OSG<sup>16</sup> filed separate manifestations in lieu of filing their supplemental briefs.

**RULING**

We affirm the conviction of Ronel. The RTC and the CA have exhaustively discussed, explained and rebutted all the defenses raised by Ronel and we see no reason to deviate from such pronouncements.

Rape case principles have not changed: (1) an accusation of rape can be made with facility; it is difficult to prove but more difficult for the person accused, though innocent, to disprove; (2) in view of the nature of the crime of rape where only two persons are usually involved, the testimony of the complainant is scrutinized with extreme caution; and, (3) the evidence for the prosecution stands or fails on its own merits and cannot be allowed to draw strength from the weakness of the defense. If the victim's testimony

<sup>11</sup> *Id.* at 24.

<sup>12</sup> *Id.* at 42-57.

<sup>13</sup> *Id.* at 82-100.

<sup>14</sup> *Rollo*, pp. 2-11. Decision dated April 15, 2016, in CA-G.R. CR-HC. No. 07190, the dispositive portion of which reads:

**WHEREFORE**, the foregoing considered, the Judgement dated 06 November 2014 of the Regional Trial Court, Branch 37, Calamba City, Laguna is **AFFIRMED**.

**SO ORDERED.** (*Id.* at 10.)

<sup>15</sup> *Id.* at 20-22.

<sup>16</sup> *Id.* at 25-28.

successfully meets the test of credibility, then the accused may be convicted on its basis.<sup>17</sup>

When it comes to the credibility of witnesses, the trial court's assessment deserves great weight, and is even conclusive and binding provided that it is not tainted with arbitrariness, or oversight of some facts or circumstances of weight and influence. The reason is basic. The trial court, having the full opportunity to observe directly the witnesses' deportment and manner of testifying, is in a better position than the appellate court to properly evaluate testimonial evidence.<sup>18</sup>

Under Article 266-A(1)(a) of the Revised Penal Code, as amended,<sup>19</sup> rape is committed by a man who shall have carnal knowledge of a woman through force, threat or intimidation. The gravamen of the crime of rape is carnal knowledge of a woman against her will or without her consent. All that needs to be proved are the facts of sexual congress and the employment of force, threat or intimidation.<sup>20</sup>

In this case, both the carnal knowledge and the force and intimidation, indicating absence of consent, were sufficiently established. Ronel did not deny having sexual intercourse with AAA, but claimed that the deed was consensual. It was AAA who approached him, AAA did not resist his sexual advances, and she also did not shout or call for help. We are not convinced. AAA candidly testified that she did not consent to have sexual intercourse with Ronel, thus:

Q After conversing with each other, can you tell us if there were other incident[s] that transpired on that day if there is any?

A Yes, ma'am.

Q Tell us about that incident if there is any?

A He abused me, ma'am.

Q Can you elaborate on that abused [*sic*] on you?

A At that time [Ronel] asked me to have intercourse with him and I told him that I don't want because my mother will get angry, ma'am.

Q Where were you, what place in that house when the accused asked you to have carnal knowledge with him?

WITNESS:

A In the room, ma'am.

PROSECUTOR:

<sup>17</sup> *People v. Villanueva*, 822 Phil. 735, 743-744 (2017); *People v. Penilla*, 707 Phil. 130, 137 (2013); *People v. Bautista*, 474 Phil. 531, 542-543 (2004).

<sup>18</sup> See *People v. Quinto*, G.R. No. 246460, June 8, 2020.

<sup>19</sup> ART. 226-A. Rape: *When and How Committed*. – Rape is committed:

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

a. Through force, threat or intimidation

<sup>20</sup> *People v. Empuesto*, 823 Phil 1125, 1136-1137 (2018).

Q How did you get to that room?  
A He asked me to go inside the room, ma'am.

Q How did he invite you?  
A He asked me if I can have carnal knowledge with him and I told him I don't want, ma'am.

x x x x

Q You said that you went with [Ronel] inside the room, can you tell us what happened immediately after you went inside that room?  
A He asked me to have carnal knowledge with him and I said I don't want and he forced me to have sex with him, ma'am.

Q How did he force you?  
A He removed my pants, ma'am.

COURT:

Q Your pants is a maong?  
A Yes, maong, your Honor.

Q What else did he remove?  
A He removed my panty, your Honor.

Q After that, what did the accused do to you?

WITNESS:

A He forced me, your Honor.

COURT:

Q What kind of force, was he armed with a weapon?  
A No, your Honor.

Q Exactly, what were the words did he tell you?  
A He told me: "Isang beses lang" and I told him I don't like.

PROSECUTOR:

Q Can you tell us where were you inside the room when the accused asked you to have sex with him?  
A In the bed, ma'am.

Q What happened after the accused removed your pants and your panty?  
A He abused me, ma'am.

Q Did the accused also remove his pants and underwear?  
A Yes, ma'am. The accused undressed himself.

Q Which came first, the undressing of you or the accused?  
A He was the first one. ma'am.

Q Can you tell us how did the accused abuse you?  
 A He undressed me and he inserted his penis inside my private parts, ma'am.

Q Did he go on top of you?  
 A Yes, ma'am.

PROSECUTOR:

Q Can you recall how long did the accused stay on top of you?

WITNESS:

A Around 10 minutes and then I pushed him, ma'am.

COURT:

Q Before that, did he kiss you?  
 A Yes, your Honor.

PROSECUTOR:

Q Where did he kiss you?  
 A On my lips, ma'am.

x x x x

PROSECUTOR:

Q You did not object on that act of kissing with the accused?

WITNESS:

A Yes, ma'am.

Q Can you tell us the reason?  
 A When he was kissing me, I did not object but when he was asking to have a carnal knowledge with him, I already object, ma'am.

x x x x

PROSECUTOR:

Q After the accused had sexed [sic] with you, what did you feel?  
 A I felt pain on my private parts, ma'am.<sup>21</sup>

*[On cross-examination]*

Q Why did you consent to enter the room with the accused knowing that your parents taught you that it is wrong?  
 A He only forced me, ma'am.

ATTY. LANDIZA:

Q When he forced you. was he armed with any weapon?

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<sup>21</sup> TSN, June 3, 2010, pp. 7-12.

12/5

WITNESS:

A No, ma'am.

Q What were the exact words which he told you when he was forcing you to enter that room with him?

A He just pulled my hand, ma'am.

x x x x

Q When the accused pulled your hand, did you not shout or called the attention of you other friends?

A No, ma'am.

Q Did you not slap the accused when he pulled your hand?

A No, ma'am.

Q You did not raise any resistance?

A I resisted, ma'am.

x x x x

Q While the accused was undressing, he was not in any manner restraining your movement so as you have all the options to leave the room?

A I was about to leave but he prevented me from doing so, ma'am.<sup>22</sup>

The force required in rape varies depending on the circumstances. It is relative, and when applied, it need not be overpowering or irresistible.<sup>23</sup> What is essential is simply that the force employed was sufficient to enable the offender to consummate the lewd purpose which he had in mind.<sup>24</sup> The parties' relative age, size, and strength should be taken into account in evaluating the existence of the element of force.<sup>25</sup> Besides, failure to offer tenacious resistance does not make the submission by the complainant to the criminal acts of the accused voluntary. "A rape victim has no burden to prove that she did all within her power to resist the force or intimidation employed upon her."<sup>26</sup> Resistance is not an element of rape.<sup>27</sup> It is not necessary to convict an accused. The failure of the victim to run, shout or seek help does not negate rape, and neither does her lack of resistance imply that she consented to the sexual act. It cannot be overemphasized that the main element of rape is lack of consent.<sup>28</sup> "Sexual congress with a person who expresses resistance through words or deeds constitutes force."<sup>29</sup> Here, AAA repeatedly told Ronel that she did not want to engage in sexual intercourse with him, but Ronel did not heed to her pleas.

<sup>22</sup> *Id.* at 23-25.

<sup>23</sup> See *People v. Dela Cruz*, G.R. No. 219088, June 13, 2018, citing *People v. Jason*, 751 Phil. 450 (2015).

<sup>24</sup> See *People v. Ramos*, G.R. No. 210435, August 15, 2018.

<sup>25</sup> See *People v. Dela Cruz*, *supra* note 23.

<sup>26</sup> See *People v. Ramos*, *supra* note 24, citing *People v. Jupson*, 743 Phil. 495, 503-504 (2014), citing *People v. Rivera*, 717 Phil. 380, 395 (2013).

<sup>27</sup> See *People v. Ramos*, *supra* note 24.

<sup>28</sup> *People v. Quintos*, 746 Phil. 809, 828 (2014).

<sup>29</sup> See *People v. Dela Cruz*, *supra* note 23, citing *People v. Quintos*, [*supra*].

Moreover, Ronel's sweetheart defense is rejected for lack of corroboration. This defense is not usually regarded with favor in the absence of strong corroboration.<sup>30</sup> There must be proof by compelling evidence, that the accused and the victim were in fact lovers, and that the victim consented to the alleged sexual relations. The second is as important as the first, because love is not a license for lust.<sup>31</sup> As an affirmative defense, the relationship must be established with convincing evidence, by some documentary and/or other evidence like mementos, love letters, notes, pictures, and the like.<sup>32</sup> Here, Ronel claims that AAA sent him a love note and picture while he was detained. While the letter and photograph were presented in evidence, the photograph of AAA was alone and did not show her together with Ronel.<sup>33</sup> AAA clarified that she gave the photograph to Ronel before the incident, but denied that she wrote the letter.<sup>34</sup> Other than his testimony, no other proof was given by Ronel to prove that the photograph and letter came from AAA. The person who allegedly received the letter and photograph from AAA and handed it to Ronel was not presented as a witness to corroborate his story. Thus, Ronel's statements as to his relationship with AAA are self-serving. At any rate, the claim is inconsequential since it is well-settled that being sweethearts does not negate the commission of rape because such fact does not give the license to have sexual intercourse against one's will, and will not exonerate an accused from the criminal charge of rape. Being sweethearts

<sup>30</sup> *People v. Claro*, 808 Phil. 455, 462 (2017).

<sup>31</sup> See *People v. Ramos*, *supra* note 24.

<sup>32</sup> *People v. Bautista*, 474 Phil. 531, 536 (2004).

<sup>33</sup> Records, pp. 46-B to 46-D.

<sup>34</sup> TSN, June 3, 2010, pp. 26-32. The pertinent portion of AAA's testimony, reads:

Q When the accused was still in jail, do [sic] you maintain any form of communication with the accused?

A No, ma'am.

x x x x

ATTY. LANDIZA:

Q Before the accused allegedly did what he did to you, did you give the accused your picture because you were boyfriend [sic]?

A Yes, ma'am.

x x x x

COURT:

Q You said that you gave him [your] photograph?

A Yes, your Honor.

Q What is the dedication at the back of the photograph?

WITNESS:

A There was no dedication at the back, your Honor.

x x x x

PROSECUTOR:

Q You said that this is your picture, do you recall when did you give this picture?

A I cannot recall, ma'am.

Q But can you recall if this picture was given before the incident in the house of Marwin or after the incident?

A Before going to the house of Marwin, ma'am.

Q What about this letter that was shown to you, do you know whose handwriting is this?

A No, ma'am. That is not my handwriting.

Q So you deny that this is your own handwriting?

A Yes, ma'am. This is not my handwriting.

PROSECUTOR:

Q How about this letter?

WITNESS:

A That is not my own handwriting, ma'am.

Q Did you cause anybody to write this letter in your behalf?

A No, ma'am.

Q You were not the one who sent this letter to the accused?

A No, ma'am.

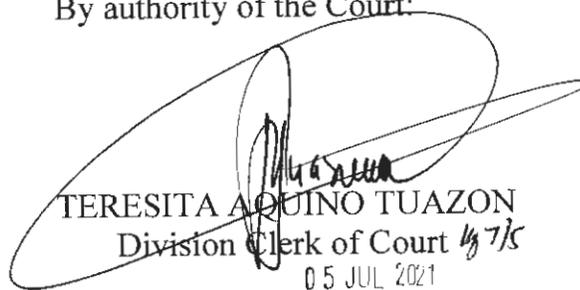
does not prove consent to the sexual act.<sup>35</sup> Ronel failed to satisfactorily establish that AAA voluntarily consented to engage in sexual intercourse with him; he committed the crime of Rape.

Anent the penalty, the trial court and the CA properly sentenced Ronel with *reclusion perpetua*. We, however, find it necessary to modify the award of damages to conform to prevailing jurisprudence. The liability for civil indemnity and moral damages are increased from ₱50,000.00 to ₱75,000.00. In addition, exemplary damages is imposed in the amount of ₱75,000.00.<sup>36</sup>

**FOR THESE REASONS**, the appeal is **DISMISSED**. The April 15, 2016 Decision of the Court of Appeals in CA-G.R. CR-HC. No. 07190 is **AFFIRMED**, that accused-appellant Ronel Nuñez is convicted of the crime of Rape and sentenced to suffer the penalty of *reclusion perpetua*, with **MODIFICATION** in that accused-appellant Ronel Nuñez is **ORDERED** to pay AAA ₱75,000.00 as civil indemnity, ₱75,000.00 as moral damages, and ₱75,000.00 as exemplary damages.

**SO ORDERED.**" (Lopez, J. Y. J., designated additional Member *per* Special Order No. 2822 dated April 7, 2021.)

By authority of the Court:



TERESITA AQUINO TUAZON  
Division Clerk of Court 4/7/5  
05 JUL 2021

<sup>35</sup> *People v. Olesco*, 663 Phil. 15, 24-25 (2011).

<sup>36</sup> *People v. Laguerta*, G.R. No. 233542, July 9, 2018

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THE DIRECTOR (reg)  
Bureau of Corrections  
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Calamba City, 4027 Laguna  
(Crim. Case No. 16392-2009-C)

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