



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **01 March 2021** which reads as follows:*

“G.R. No. 223112 (*People of the Philippines v. Leobardo Capalis y Alvarez*) — The appeal is DISMISSED.

Rape is defined and penalized under Article 266-A of the Revised Penal Code, as amended by Republic Act No. 8353 (RA 8353), otherwise known as the Anti-Rape Law of 1997, *viz.*:

Article 266-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;**
- b) When the offended party is deprived of reason or otherwise unconscious;
- c) By means of fraudulent machination or grave abuse of authority; and
- d) When the offended party is under twelve (12) years of age or is demented, even though none of the circumstances mentioned above be present. (Emphasis supplied)

X X X X

To sustain a conviction therefor, the following elements must be present: (1) accused had carnal knowledge of a woman; and, (2) he accompanied such act by force, threat, or intimidation.¹

¹ *People v. Ejercito*, G.R. No. 229861, July 2, 2018.

Here, the prosecution sufficiently established these elements.

AAA² candidly narrated in detail her harrowing experience of forced, nay, unwanted sexual congress with appellant.

On the night of July 28, 2003 when she was under the employ of appellant's mother Anacurita Capalis, she was roused from her sleep when she felt someone was on top of her. It was appellant, her employer's son. He warned her "*Huwag kang maingay at baka mapatay kita.*"³ He then proceeded to take off her shorts and underwear and forcibly inserted his penis into her vagina. She tried to fight him off, but using one of his hands, he held her by the neck to prevent her from shouting for help, while his other hand boxed her and gripped her arms to subdue her. He persisted but she was eventually able to free herself from his hold and escape.⁴

By itself, AAA's testimony withstood scrutiny sufficient to sustain a verdict of conviction. Indeed, the nature of the crime of rape often entails reliance on the lone uncorroborated testimony of the victim, which is sufficient to support a conviction, provided it is clear, convincing, and consistent with human nature.⁵ As both the trial court and the Court of Appeals keenly noted, AAA's testimony was credible, categorical, and straightforward, on how appellant, through force and threat, had laid on top of her, held her by the neck, boxed her, and tried to insert his penis into her vagina. As the Court emphasized in *People v. Agalot*,⁶ a victim's credible testimony is in fact sufficient to support the verdict of conviction.

As it was, AAA's testimony did not stand alone. It was solidly corroborated by physical evidence in the form of not just one (1), but two (2) medico-legal reports. Consequently, AAA's testimony assumes even more probative weight. On one hand, Police Senior Inspector Filemon C. Prociuncula (PSI Prociuncula) noted that his finding of *congested* labia majora and posterior fourchette could mean there was a blunt object which attempted to penetrate her vagina or at least touched her genitalia.⁷ On the other hand, Dr. Leal's findings reveal a recent penetration into AAA's vagina. More, her physical injuries on her torso and left upper extremity are indicative of physical abuse.⁸

AAA's young age, her voluntary submission to medical examination and willingness to undergo public trial where she could be compelled to give

² The real name of the victim, her personal circumstances and other information which tend to establish or compromise her identity, as well as those of her immediate family, or household members, shall not be disclosed to protect her privacy, and fictitious initial shall, instead, be used, in accordance with *People v. Cabalquinto* [533 Phil. 703 (2006)] and Amended Administrative Circular No. 83-2015 dated September 5, 2017.

³ *CA rollo*, p. 31; TSN April 26, 2006 p. 5.

⁴ *Id.* at 32.

⁵ *People v. Ronquillo*, 818 Phil. 641, 649-650 (2017).

⁶ 826 Phil. 541, 555 (2018).

⁷ *CA rollo*, p. 34; RTC Decision, p. 4.

⁸ *Rollo*, p. 5; CA Decision p. 4.

out the sordid details of the assault on her dignity cannot be so easily dismissed as mere concoction.⁹ It is highly improbable that a young girl like AAA would have known and narrated the traumatic details of her sexual ravishment if she did not truly experience the same in the hands of appellant.

In *People v. Mabalo*¹⁰ the Court ordained that when a woman says that she has been raped, she says, in effect, all that is necessary to show that she has indeed been raped. A victim of rape would not come out in the open if her motive were anything other than to obtain justice. Her testimony as to who abused her is credible where she has absolutely no motive to incriminate and testify against the accused. As it was, the defense neither alleged nor proved that AAA was impelled by any ill-motive to falsely testify against appellant.

Full penetration¹¹ and pumping action are not required for the crime of rape to be consummated. Too, pain,¹² lacerations in the hymen,¹³ and presence of sperm in the vagina are not elements of the crime.¹⁴ *People v. Teodoro*¹⁵ is apropos:

In objective terms, carnal knowledge, xxx rape, **does not require full penile penetration of the female.** The Court has clarified in *People v. Campuhan* that the **mere touching of the external genitalia by a penis capable of consummating the sexual act is sufficient to constitute carnal knowledge.** All that is necessary to reach the consummated stage of rape is for **the penis of the accused capable of consummating the sexual act to come into contact with the lips of the pudendum of the victim.** This means that the rape is consummated **once the penis of the accused capable of consummating the sexual act touches either labia of the pudendum.** As the Court has explained in *People v. Bali-Balita*, the **touching that constitutes rape does not mean mere epidermal contact, or stroking or grazing of organs, or a slight brush or a scrape of the penis on the external layer of the victim's vagina, or the mons pubis, but rather the erect penis touching the labias or sliding into the female genitalia.** Accordingly, the conclusion that touching the labia majora or the labia minora of the pudendum constitutes consummated rape proceeds from the physical fact that the labias are physically situated beneath the mons pubis or the vaginal surface, such that **for the penis to touch either of them is to attain some degree of penetration beneath the surface of the female genitalia.** It is required, however, that this manner of touching of the labias must be sufficiently and convincingly established. (Emphasis and underscoring supplied)

Here, PSI Prociuncula testified:

Q Doctor, in your Medico-Legal Report, it states here in so far as the "Labia Majora" that it is congested, what could have cause (sic) it?

⁹ *People v. Cadano, Jr.*, 729 Phil. 576, 585 (2014).

¹⁰ G.R. No. 238839, February 27, 2019.

¹¹ *People v. Bejim*, 824 Phil. 10, 32-33 (2018).

¹² *People v. Brioso*, 600 Phil. 530, 542 (2009).

¹³ *People v. Taguilid*, 685 Phil. 571, 578 (2012).

¹⁴ *People v. Arcillas*, 401 Phil. 963, 971-973 (2000).

¹⁵ 704 Phil. 335, 352-353 (2013).

A Labia majora congested, **it is possible that a blunt object were inserted on that area including a male organ.**

Q So it is possible that since you said **a blunt instrument was inserted and it touches the labia minora**, is that correct to conclude, Doctor?

A **Yes, ma'am.**

Q And it is possible that **because the posterior fourchette was also abraded and congested that it was not only touched but possibly a blunt object was inserted?**

A **Yes, ma'am.** (Emphases added)

xxx

Taken together with AAA's testimony, it becomes clear that even without her categorical statement that appellant's penis fully penetrated her vagina, the mere touching of his penis onto her labia, as consistently reported in the medico-legal findings, already consummated the crime of rape.

In light of AAA's positive identification of appellant as the person who sexually ravished her, appellant's denial and alibi must fail. Denial and alibi, being negative self-serving evidence, cannot prevail over affirmative allegations of the victim, for they easily crumble in the face of her positive and categorical identification of the appellant as her molester.¹⁶ The Court has consistently held that denial and alibi are the weakest of all defenses. Alibi is easy to contrive and difficult to disprove and for which reason it is generally rejected.¹⁷

Indeed, the trial court's factual findings on the credibility of witnesses are accorded high respect, if not conclusive effect. This is because the trial court is able to observe up close the manner by which these witnesses testified, as well as their demeanor while testifying.¹⁸ This rule becomes even more compelling when the factual findings carry the full concurrence of the Court of Appeals, as here.¹⁹ In the absence of a clear showing that the trial court overlooked or misconstrued some material facts or committed grave abuse of discretion, the appellate court will not disturb such factual findings.²⁰ So must it be.

Penalty

The courts below correctly sentenced appellant to *reclusion perpetua* pursuant to Article 266-A(1)(a), in relation to Article 266-B of the RPC, as amended,²¹ but the monetary awards should, nonetheless, be modified to

¹⁶ *People v. Descartin*, 810 Phil. 881, 894 (2017).

¹⁷ *People v. Castillo*, G.R. No. 242276, February 18, 2020.

¹⁸ *Sps. Guidangen v. Wooden*, 682 Phil. 112, 129 (2012).

¹⁹ *People v. Racho*, 823 Phil. 1188, 1201 (2018), citing *People v. Pareja*, 724 Phil. 759, 773 (2014) and *People v. Sanchez*, 681 Phil. 631, 635-636 (2012).

²⁰ *People v. Guihama*, 452 Phil. 824, 840 (2003).

²¹ Article 266-A. Rape: When and How Committed. – Rape is committed:”

conform with *People v. Jugueta*.²² Thus, the monetary awards of civil indemnity, moral damages, and exemplary damages should be increased to ₱75,000.00 each. These monetary awards shall earn six percent (6%) interest per annum from finality of this resolution until fully paid.

WHEREFORE, the appeal is **DISMISSED**. The Court of Appeals' Decision dated April 17, 2015 in CA-G.R. CR-H.C. No. 06001²³ is **AFFIRMED** with **MODIFICATION**.

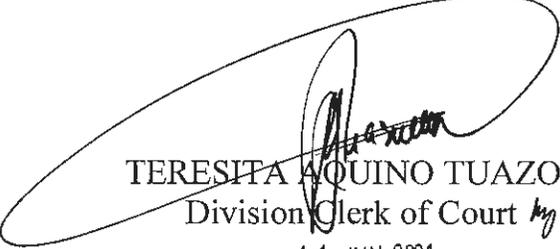
LEOBARDO CAPALIS y ALVAREZ is found **GUILTY** of **Simple Rape** under Article 266-A(1)(a) of the Revised Penal Code in relation to Republic Act No. 8353, otherwise known as, The Anti-Rape Law of 1997. He is sentenced to *Reclusion Perpetua*. He is further required to pay AAA the following amounts:

1. ₱75,000.00 as civil indemnity;
2. ₱75,000.00 as moral damages; and
3. ₱75,000.00 as exemplary damages.

These amounts shall earn six percent (6%) interest per annum from finality of this resolution until fully paid.

SO ORDERED." (*Rosario, J.*, on leave)

By authority of the Court:


TERESITA AQUINO TUAZON
Division Clerk of Court *by 6/11*
11 JUN 2021

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

Article 266-B. Penalty. – Rape under paragraph 1 of the next preceding article shall be punished by *reclusion perpetua*.

²² *People v. Jugueta*, G.R. No. 202124, April 5, 2016.

²³ *Rollo*, pp. 2-12.

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HON. PRESIDING JUDGE (reg)
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*with copy of the CA Decision dated 17 April 2015
Please notify the Court of any change in your address.
GR223112. 3/01/2021A(79)URES(m) *Ab/11*