



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. 248921 (*People of the Philippines v. Benvinido Magsayao*)
— The Court **NOTES:**

1. The letter dated 29 November 2019 of Mr. Gil C. Llano, Officer-in-Charge, Documents Section, Bureau of Corrections, Muntinlupa City, confirming the confinement of accused-appellant Benvinido Magsayao at the San Ramon Prison and Penal Farm since 6 February 2019; and
2. The separate manifestations in lieu of supplemental briefs dated 18 December 2019 and 13 January 2020 of the Office of the Solicitor General and counsel for accused-appellant, respectively, both dispensing with the filing of supplemental briefs since they have already exhaustively discussed their arguments in their briefs filed before the Court of Appeals.

We affirm.

AAA¹ recounted in detail how appellant sexually ravished her on October 3, 2003. She and her companions were staying in the house of EEE when appellant, armed with a knife, suddenly barged in. He threatened to kill her if she did not go with him.² Her companions were not able to stop appellant because he also pointed a knife at them and threatened to squeeze

¹ 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.

² *CA rollo*, p. 50.

their necks.³ He then placed his arms around her and brought her to a grassy area. There, appellant took off his *maong* pants, t-shirt, and underwear while still pointing a knife at her. Afterwards, he also took off her pants and underwear while she was standing in front of him. He did not remove her shirt. He then ordered her to lie on the ground. He kissed her face and neck while he forced his penis into her vagina. While doing the push and pull movement, he warned her not to shout and even covered her mouth. She did not shout nor resist since she feared for her life. After the bestial act, appellant just left.⁴

Both the trial court and the Court of Appeals found AAA's testimony to be categorical, straightforward, and credible. Hence, even standing alone, her testimony is sufficient to support a verdict of conviction.⁵ As it was though, her testimony does not stand alone. It was firmly corroborated by the physical evidence on record. Medico-Legal Dr. Guadalupe Ramiso found AAA had old healed lacerations, both 0.5 cm, at 2 and 6 o'clock positions, respectively.⁶ Hymenal lacerations, *whether healed or fresh*, are the best evidence of forcible defloration.⁷ Indeed, the credible testimony of a rape victim assumes more significance and weight when it conforms with the physical evidence as in this case.

Appellant, nonetheless, faults AAA's testimony because she did not even offer any resistance to defend herself. Too, it was allegedly unusual for AAA to simply go back to the house where she was staying after the alleged rape incident.

The Court has invariably ruled that rape victims react differently.⁸ There is no uniform behavior that can be expected from those who had the misfortune of being sexually ravished. Some may shout, some may faint, some may choose to keep their ordeal to themselves, while some may be shocked and frozen. None of these, however, impair the credibility of a rape victim, let alone, negate the commission of rape.⁹

Here, appellant cowered AAA into fear when he pointed a knife at her and threatened to kill her if she did not concede and follow him. Hence, her failure to shout or resist his sexual assault cannot be construed at all as a manifestation of her consent.¹⁰ AAA testified, thus:

Q: Why did you go with him?
A: Because he pointed me a knife.

³ *Id.* at 49.

⁴ CA Decision, pp. 2-3.

⁵ *People v. Suedad*, 786 Phil. 803, 813-814 (2016).

⁶ CA *rollo*, p. 53.

⁷ *People v. Suedad*, *supra* note 5.

⁸ *People v. XXX*, G.R. No. 230904, January 8, 2020; *People v. XXX*, G.R. No. 244288, March 4, 2020; *People v. Abarientos*, G.R. No. 243580 (Notice), [November 13, 2019].

⁹ *People v. Pareja*, 724 Phil. 759, 778 (2014).

¹⁰ *People v. Baltazar*, 385 Phil. 1023, 1034-1035 (2000).

Q: Did he say anything to you when he pointed you a knife?
A: He told me that if I will not go with him he [will] kill[ed] me.

xxx xxx xxx

Q: So upon reaching the grassy area madam witness, what happened?
A: He st[r]ipped off my clothes.

Q: And after he undressed you, madam witness, what happened?
A: He had sexual intercourse with me.

Q: Did you not resist from the accused, madam witness?
A: I was not able to resist because he pointed a knife at me.¹¹

More, the fact that AAA went back to EEE's house after appellant had carnal knowledge of her does not negate rape either. A rape victim's behavior subsequent to the commission of rape does not affect her credibility.¹² More so if we consider the fact that AAA was a young lady who left her hometown to go to an unfamiliar place for the first time. Being a member of an indigenous tribe who is not conversant with the Visayan dialect and who does not even know how to read, it is not unusual for her to say nothing and just meekly go back to the place where she and her companions were staying. All she could do back then was stay up all night¹³ and endlessly cry.¹⁴

Next, appellant harps on AAA's supposed delay in reporting the rape incident to the police.

We are not persuaded. It is settled that delay in reporting or prosecuting the offense is not an indication of a fabricated charge and does not necessarily cast doubt on the credibility of the complainant.¹⁵ In the absence of other circumstances showing that the charge was a mere concoction and impelled by some ill motive, as in this case, delay in the filing of the complaint is not sufficient to defeat the charge.¹⁶

We note that AAA got raped on October 3, 2003. She admittedly did not report the rape incident to the *barangay* captain of [REDACTED] because she did not know anyone there. But as soon as she got back home the following day, October 4, 2003, she wasted no time in reporting the incident to their *barangay* captain in [REDACTED].¹⁷ On October 8, 2003, the *barangay* captain accompanied her to the Municipal Police Station of [REDACTED]. On this score, it cannot be said AAA incurred delay in reporting the incident.

¹¹ CA rollo, pp. 57-58.

¹² *People v. XXX*, G.R. No. 244288, March 4, 2020.

¹³ CA Decision, pp. 2-3.

¹⁴ CA rollo, p. 52.

¹⁵ *People v. Brioso*, 788 Phil. 292, 308-309 (2016).

¹⁶ *People v. Sarcia*, 615 Phil. 97, 117 (2009).

¹⁷ CA rollo, p. 51.

Finally, as against the prosecution's evidence, appellant only interposes denial - the weakest of all defenses. It easily crumbles in the face of positive identification of the accused as the perpetrator of the crime.¹⁸

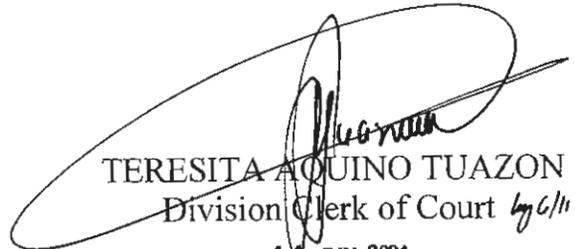
All told, the Court of Appeals did not err in affirming appellant's conviction for simple rape and imposing *reclusion perpetua* in accordance with Article 266-A, in relation to 266-B of the Revised Penal Code, as amended.

Consistent with prevailing jurisprudence,¹⁹ we also sustain the award of a) ₱75,000.00 as civil indemnity; b) ₱75,000.00 as moral damages; and c) ₱75,000.00 as exemplary damages. These amounts shall earn six percent (6%) interest *per annum* from finality of this Resolution until fully paid.

WHEREFORE, the appeal is **DISMISSED**, and the Decision dated May 23, 2019 in CA-G.R. CR-HC No. 01895-MIN, **AFFIRMED**. Appellant **Benvinido Magsayao** is found **GUILTY** of **SIMPLE RAPE**. He is sentenced to *reclusion perpetua* and ordered to **PAY ₱75,000.00** as civil indemnity; ₱75,000.00 as moral damages; and ₱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 C/11
14 JUN 2021

¹⁸ *People v. [REDACTED]*, G.R. No. 229836, July 17, 2019.

¹⁹ *People v. Jugueta*, 783 Phil. 806, 849 (2016).

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*GIL C. LLANO (reg)
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HON. PRESIDING JUDGE (reg)
Regional Trial Court, Branch 18
Pagadian City
(Crim. Case No. 7149-2K4)

COURT OF APPEALS (reg)
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Cagayan de Oro City
CA-G.R. CR-H.C. No. 01895-MIN

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*For this resolution only
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