

****Title:**** People of the Philippines vs. Tahir Tamano y Toguso

****Facts:****

On July 13, 2009, in Muntinlupa City, Philippines, AAA visited Metropolis Mall to purchase a liquid crystal display for her PlayStation Portable. During her visit, a man approached AAA and offered to buy her PlayStation, which she declined. Despite her refusal, the man took her PlayStation and placed it in a glass cabinet in his stall. As AAA protested, the man signaled to Tahir Tamano (accused) who then approached and attempted to negotiate buying the PlayStation. When AAA persisted in declining, Tamano offered to return the PlayStation only if AAA would go out with him. Confronted and frustrated, AAA ran to catch a jeepney home, realizing later she had left her cellphone behind.

The next day, July 13, AAA returned to Metropolis Mall to retrieve her cellphone. She learned Tamano was not present but eventually received a call from him instructing her to meet at Jollibee in the mall. At Jollibee, Tamano squatted AAA's hand and coerced her into a meal, during which AAA consumed a Coke that made her felt groggy and dizzy. Tamano then dragged her to a dark alley, a place marked with numbers, and into a room where he sexually assaulted her twice, despite her attempts to resist and struggle. Subsequently, Tamano forced her to perform oral sex and later dragged her to Festival Mall where AAA, under the pretense of needing to use the restroom, sought help from a janitress and reported the incident to a security guard.

****Procedural Posture:****

- ****Regional Trial Court (RTC)**** Upon trial, the RTC convicted Tamano of two counts of rape on December 1, 2013, sentencing him to reclusion perpetua for each count and ordering him to pay P30,000.00 as moral damages for each count.
- ****Court of Appeals (CA)**** Tamano's conviction was affirmed by the CA on February 5, 2016, with modifications to the amount of damages: moral damages were increased to P50,000.00 and civil indemnity of another P50,000.00 per count.
- ****Supreme Court (SC)**** Tamano filed a Notice of Appeal, maintaining his innocence and arguing the wrongful application of the res gestae doctrine. The SC reviewed the case to resolve whether Tamano was guilty beyond reasonable doubt of two counts of simple rape.

****Issues:****

1. Whether AAA's statements were part of the res gestae and admissible in evidence.
2. Whether the RTC and CA correctly assessed the credibility of AAA's testimony.
3. Whether the prosecution sufficiently established force or intimidation in the commission

of rape.

4. Whether Tamano's conduct and alleged victim's behavior were consistent with non-consensual intercourse.

5. Whether the proper penalties and damages were imposed.

Court's Decision:

- **Issue 1: Res Gestae** The SC noted that AAA's utterances after the rape did not fall under the res gestae exception due to the appreciable lapse of time and intervening events before her statements. Despite this error, the SC found sufficient other evidence supporting her claims.

- **Issue 2: Credibility of AAA's Testimony** The SC upheld the RTC and CA finding that the consistency and natural demeanor of AAA in court showed credible and convincing testimony. The accounts of other witnesses and medical evidence further supported her testimony.

- **Issue 3: Proving Force or Intimidation** The SC confirmed that the evidence showed Tamano used force and intimidation in committing the rape. AAA's physical resistance, although insufficient to overpower Tamano, was deemed relative and sufficiently proven.

- **Issue 4: Conduct and Behavior** The SC rejected arguments criticizing AAA's behavior. It emphasized the unpredictable nature of a victim's response to trauma and the established jurisprudence that failure to seek help or flee does not negate rape.

- **Issue 5: Penalties and Damages** The SC affirmed the imposition of reclusion perpetua for each count and adjusted the moral and exemplary damages to P75,000.00 each.

Doctrine:

1. **Force or Intimidation in Rape** - The force used need not be overpowering or irresistible but is assessed based on the circumstances and vulnerabilities of the victim.

2. **Res Gestae** Statements attributable to res gestae must be spontaneous, made during a startling event, with no opportunity for deliberation.

Class Notes:

- **Elements of Rape:**

- Carnal knowledge

- Against the victim's will through force, intimidation, deprivation of reason, unconsciousness, fraudulent machination, or abuse of authority.

- **Res Gestae Rule:** A spontaneous statement made under physical or mental shock without deliberation.

- **Revised Penal Code, Article 266-A:** Defines when rape is committed.

- **Revised Penal Code, Article 266-B:** Penalty for simple rape as reclusion perpetua.
- **Credibility of Witness:** Generally accorded weight by the trial court's observation of the witness demeanor and considered binding when affirmed by CA.

Historical Background:

During this period, Metropolis Mall was a bustling commercial center in Muntinlupa City, reflecting the commonplace occurrences of public interactions that could turn sinister. The decision underscores the Filipino judiciary's stance on addressing sexual crimes robustly, pivoting on the victim's testimony's credibility, particularly in a society with evolving norms on women's rights and legal redress for gender-based violence.