

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ROLANDO REBERTA, ACCUSED-APPELLANT.

Ponente: DICDICAN, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/2828f0aba985/>

DICDICAN, J.:

Well-established is the rule that testimonies of rape victims, especially child victims, are given full weight and credit[1]. In a litany of cases, the Supreme Court had applied the well-settled rule that, when a woman, more so if she is a minor, says she has been raped, she says, in effect, all that is necessary to prove that rape was committed[2].

Since the private complainant in this rape case is a minor, her real name and the names of her immediate relatives are withheld and, instead, fictitious initials are used pursuant to Republic Act No. 7610, otherwise known as the “Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act”, and Republic Act No. 9262, also known as the “Anti-Violence Against Women and Their Children Act of 2004”. [3]

For adjudication by this Court is an appeal from the Decision[4] rendered by Judge Isabelo T. Rojas of Branch 8 of the Regional Trial Court of the Fifth Judicial Region in Legazpi City (“trial court”) on February 2013 in Criminal Cases Nos. FC-07- 0070, FC-07-0071 and FC-07-0072 convicting herein accused-appellant Rolando Reberta (“accused-appellant”) of three (3) counts of rape punishable under Article 266-A paragraph 1 of the Revised Penal Code in relation to Republic Act No. 7610.

The Information[5] filed on January 18, 2007 against the accused-appellant is cited herein to wit:

Criminal Case No. FC-07-0070

“That at about 1 o'clock in the afternoon of November 8, 2006, in Sitio Bascaran, Barangay Libod, Municipality of Camalig, Province of Albay, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with lewd and unchaste design, and through force, did then and there, willfully, unlawfully and feloniously have carnal knowledge of “AAA”, a 14-year old minor, against her will and consent, to her damage and prejudice.

“ACTS CONTRARY TO LAW.”

The two Informations[6] filed on June 1, 2007 read as follows:

Criminal Case No. FC-07-0071

“That at about 10 o'clock in the evening of November 30, 2006, in Sitio Bascaran, Barangay Libod, Municipality of Camalig, Province of Albay, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with lewd and unchaste design, and through force, did then and there, willfully, unlawfully and feloniously have carnal knowledge of “AAA”, a 14-year old minor, against her will and consent, to her damage and prejudice.

“ACTS CONTRARY TO LAW.”

Criminal Case No. FC-07-0072

“That at about 12 midnight of January 7, 2007, in Sitio Bascaran, Barangay Libod, Municipality of Camalig, Province of Albay, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with lewd and unchaste design, and through force, did then and there, willfully, unlawfully and feloniously have carnal knowledge of “AAA”, a 14-year old minor, against her will and consent, to her damage and prejudice.

“ACTS CONTRARY TO LAW.”

On January 10, 2008, upon being arraigned of the charges against him, the accused-appellant entered a plea of not guilty[7] thereto. Subsequently, a pre-trial was conducted on February 14, 2008[8]. A trial on the merits ensued thereafter.

During the trial, the prosecution adduced in evidence the testimonies of the following: (1) “AAA”, the private complainant herein; (2) Dr. Crispa Florece (“Dr. Florece”), Municipal Health Officer of Camalig, Albay, who examined the victim and issued a medico-legal certificate thereto; (3) “BBB”, the father of the private complainant; (4) Police Officer 1 Francis delos Angeles Gomez (“PO 1 Gomez”), a member of the Philippine National Police (“PNP”) assigned at the Camalig Police Station in Albay, who took over the investigation of the case; and (5) Police Officer 2 (“PO2”) Marly Moriones Gragas, likewise a member of the PNP stationed at PNP Camalig Women's Desk Section, who prepared the blotter report with respect to the incident involved herein.

On the other hand, the accused-appellant adduced in evidence his own testimony. The testimonies of Yolanda Reberta Cericos (“Cericos”) and Liliosa Galdones (“Galdones”), the daughter and the live-in partner of the accused-appellant, including, Herminia Olavares (“Olavares”) were likewise presented.

The prosecution’s recital of established facts is summarized as follows:

On November 8, 2006, at around 1:00 o'clock in the afternoon, the private complainant went to the house of the accused-appellant, whom he fondly calls “lolo” because of his old age, to deliver to him the cigarettes that she was ordered to buy. “AAA” and the accused-appellant are neighbors. Upon arriving at the accused-appellant's house, the latter closed the door and proceeded to undress “AAA”. Subsequently, the accused-appellant started to kiss “AAA” on the lips and then inserted his penis into “AAA's” vagina. Since the accused-appellant was covering her mouth, the helpless “AAA” could not shout or put up any resistance.

After satisfying his lustful desire, the accused-appellant told “AAA”, “Kita ng duwa,” (It is now us.). The accused-appellant also told “AAA” that he would start giving to her his income.

At the time of the incident, “AAA” was only a minor as evidenced by her birth certificate which indicated that she was born on July 22, 1992[9].

The second rape took place on November 30, 2006 at around 10:00 o'clock in the evening, still in the house of the accused-appellant. As narrated by “AAA”, while she was asleep, the accused-appellant lied beside her and began to remove her clothes. The accused-appellant then inserted his penis into “AAA's” vagina and commanded “AAA” to keep quiet so as not to awaken the other people in the house.

The same thing happened on January 7, 2007. While “AAA” was sleeping, at around 12:00 midnight, she was awakened in her sleep by the accused-appellant. The accused-appellant then kissed her on her lips and undressed her. Thereafter, the accused-appellant again consummated his sexual desires upon the minor “AAA”.

Since the accused-appellant threatened to bring her to Manila so as to keep her away from her father, “AAA” never spoke to anyone about the incident. The accused-appellant likewise cautioned her that his wife shall not be

informed of the incident.

“BBB” corroborated the testimony of his daughter. According to “BBB”, on January 7, 2007 at 12:00 o'clock midnight, he saw the accused-appellant sleeping beside his daughter, “AAA”, in their house and embracing the latter. On the following morning, “BBB” confronted his daughter with regard to the incident but “AAA” refused to answer. “BBB” likewise questioned “AAA” about her relationship with the accused-appellant but still there was no answer from “AAA”.

Subsequently, “BBB” reported the incident to Barangay Kagawad Rebecca Solano. “AAA” was then brought to Dr. Florece for medical examination.

Dr. Florece, the Municipal Health Officer who attended to the private complainant, testified that “AAA” sustained hymenal lacerations at 1, 2, 4, 6, 9 and 11 o'clock positions, which could possibly have been caused by the penetration of a hard object, such as an erect penis, into the vagina of the victim. According to Dr. Florece, the hymenal lacerations sustained by the victim was already healed when he examined the latter on January 16, 2007.

PO1 Gomez testified that he prepared the sworn statement of “BBB” which he erroneously dated as January 18, 2006 instead of January 18, 2007. Meanwhile, PO3 Gragasin was presented to identify Police Blotter No. 0299[10] which she prepared as Women's Desk Officer on January 17, 2007.

In an attempt to absolve himself from criminal liability, the accused-appellant denied the accusations hurled against him and raised the defense of denial and alibi.

The accused-appellant denied that he raped the private complainant on November 6, 2006 on account of the fact that he was in Barangay Sua, Camalig, Albay. Allegedly, he was in Barangay Sua, which was more or less three (3) kilometers away from his house in Sitio Bascaran. He purportedly arrived thereat at around 9:00 o'clock in the morning and left the place at around 4:00 o'clock in the afternoon.

With respect to the second rape, the accused-appellant claimed that, on November 30, 2006, he and his family members, particularly, his wife, Lilirosa Gobot Gladiones, his daughter, Yolanda Reberta Cericos and her children, and his son-in-law, transferred to the house of their neighbor named Hermia Olavares since their house was already flooded. Allegedly, there were also other families who sought refuge at the house of Olavares, including the family of the private complainant herein.

The accused-appellant further testified that, at past 11:00 o'clock in the evening of November 30, 2006, they again transferred to another house by reason of the flood. He and his family allegedly evacuated to the house of Feliciano Reberta, together with their other neighbors, the family of the private complainant included. According to the accused-appellant, he was only able to return to his house on the morning of the following day.

The accused-appellant likewise denied that he had raped the minor private complainant on January 7, 2007.

When asked what could be the possible motive for the filing of the case against the accused-appellant, he answered that his neighbors harbored ill-feelings towards him because of the alleged preference that he gave in favor of his other neighbors in line with the list of typhoon victims that he prepared. He continued that it was his neighbors who started the rumors that the private complainant was his paramour.

The testimony of the accused-appellant seemed to be corroborated by his daughter, Yolanda Reberta Cericos, who testified that she was with the accused-appellant at the time of the alleged rape incident on November 30, 2006. She narrated that the flood caused by typhoon Reming had forced them to transfer to the house of Olavares, together with the accused-appellant, at around 10:30 in the morning of November 30, 2006. At around 3:00 o'clock in the afternoon, they were again evacuated to the house of Feliciano Reberta because the house of

Olavares was already affected by the typhoon. She further testified that the family of the private complainant likewise evacuated with them to the house of Olavares. She stated that it was impossible that his father could have raped the private complainant since there were around thirty (30) persons in the small house where they were forced to evacuate.

On account of the third rape which happened on January 7, 2007, Cericos testified that she was in her father's house at around 8:00 o'clock in the morning to commemorate the death anniversary of her brother, Elizer Reberta, until late in the afternoon but she never saw the private complainant therein. Although, Cericos admitted that she was with the private complainant at around 6:00 o'clock in the evening of the same day to hear mass. They purportedly parted ways at around 9:00 o'clock in the evening.

Olavares likewise corroborated the testimony of the accused-appellant. She testified that she knew the accused-appellant and the private complainant as both of them are her neighbors. According to Olavares, the accused-appellant was a member of the barangay council of Sitio Bascaran, Camalig, Albay. She likewise admitted that, on the occasion of typhoon Reming on November 30, 2006, she accommodated the families of the private complainant and the accused-appellant to her house. However, they were all forced to evacuate to Felician Reberta's house at around 3:00 o'clock in the afternoon.

Galdones, the accused-appellant's live-in partner testified that she was with the accused-appellant on November 30, 2006 as they transferred from Olavares' house to Felician Reberta's house because of the flood. Concerning the first rape, she admitted that on November 8, 2006, she returned to Sitio Bascaran from Barangay Sua, together with her husband after lunch time.

Finding the testimony of the private complainant more credible, the court a quo rendered a Decision on February 2013, the dispositive portion of which reads:

“WHEREFORE, accused is hereby found guilty of three (3) counts of rape and is hereby sentenced to suffer the penalty of reclusion perpetua for each of the three (3) counts of rape. He is likewise ordered to pay 'AAA' P150,000.00 as civil indemnity, or P50,000.00 for each count of rape, since this is mandatory in rape cases, P150,000.00 as moral damages, or P50,000.00 for each count for the moral injuries she suffered; and P75,000.00 as exemplary damages, or P25,000.00 for each count of rape, to set a public example and serve as deterrent against elders who abuse and corrupt the youth.

“SO ORDERED.”

The trial court ruled that the private complainant's testimony and positive identification of the accused-appellant were sufficiently borne and established by the evidence on record. According to the trial court, the accused-appellant's denial and alibi were unavailing in the face of the positive identification of the accused-appellant and the credible testimony of the private complainant.

Not satisfied with the foregoing decision, herein accused-appellant interposed the instant appeal raising as lone issue the following error that was purportedly committed by the trial court, to wit:

THE COURT A QUO GRAVELY ERRED IN CONVICTING THE ACCUSED-APPELLANT DESPITE THE PROSECUTION'S FAILURE TO PROVE HIS GUILT BEYOND REASONABLE DOUBT.

The primordial issue brought before this Court for resolution is whether the court a quo erred in convicting herein accused-appellant beyond reasonable doubt of three (3) counts of rape.

After a careful and thorough review of the facts, law and issues of this case, we affirm the trial court's conviction of the accused-appellant of the crimes with which he was charged.

Rape is a serious transgression with severe consequences for both the accused and the complainant[11].

The gravamen of the offense of rape is sexual intercourse with a woman against her will or without her consent[12]. Rape is committed when the accused has carnal knowledge of the victim by force or intimidation and without consent[13].

In reviewing rape cases, courts are guided by three settled principles: (1) an accusation of rape can be made with facility and while the accusation is difficult to prove, it is even more difficult for the person accused, although innocent, to disprove; (2) considering the intrinsic nature of the crime, only two persons being usually involved, the testimony of the complainant should be scrutinized with great caution; and (3) the evidence for the prosecution must stand or fall on its own merit and cannot be allowed to draw strength from the weakness of the evidence for the defense[14].

The accused-appellant asserted that, from the evidence adduced during the trial of the case, the prosecution failed to prove all the elements of rape as defined in Article 266-A of the Revised Penal Code, particularly on the presence of force, threat or intimidation.

The accused-appellant alleged that, according to the testimony of the private complainant, there was no force that was employed towards the latter in each account of the rape. For the accused-appellant, the private complainant's absence or lack of resistance to protect herself and her refusal to report the rape incidents created serious doubts as to the crimes imputed against him.

The Supreme Court has, time and again, ruled that the force or violence that is required in rape cases is relative; when applied, it need not be overpowering or irresistible[15]. That it enables the offender to consummate his purpose is enough[16]. The parties' relative age, size and strength should be taken into account in evaluating the existence of the element of force in the crime of rape[17]. The degree of force which may not suffice when the victim is an adult may be more than enough if employed against a person of tender age[18].

In the case at bench, the accused-appellant employed that amount of force sufficient to consummate the rape. It must be stressed that, at the time of the incident, "AAA" was only 14 years old. Considering the tender years of the offended party as compared to the accused-appellant who was in the prime of his life, the act of the accused-appellant of pinning the arms of "AAA" to avoid any form of resistance from her suffices. Force or intimidation is not limited to physical force[19]. As long as it is present and brings the desired result, all consideration of whether it was more or less irresistible is beside the point[20].

The accused-appellant further tried to establish that no rape was committed due to the apparent absence of resistance on the part of the private complainant. It was established that, throughout the sexual assault against her, private complainant "AAA" never shouted for help nor created any noise, as if she willingly submitted to the whim of the accused-appellant.

We are not persuaded by the accused-appellant's insistence that the absence of any resistance on the part of "AAA" raised doubts as to whether the sexual congress was without her consent. The failure of the victim to shout for help or resist the sexual advances of the rapist is not tantamount to consent[21]. Physical resistance need not be established in rape when threats and intimidation are employed and the victim submits herself to her attackers because of fear[22].

Besides, physical resistance is not the sole test to determine whether a woman involuntarily succumbed to the lust of an accused[23]. Rape victims show no uniform reaction[24]. Some may offer strong resistance while others may be too intimidated to offer any resistance at all[25]. After all, resistance is not an element of rape and its absence does not denigrate AAA's claim that the accused-appellant consummated his bestial act.

Furthermore, the Supreme Court held in another case[26] that the force, violence, or intimidation in rape is a relative term, depending not only on the age, size, and strength of the parties but also on their relationship with each other[27]. In the instant case, the accused-appellant is an old neighbor of private complainant “AAA” whom she fondly called “lolo”. The accused-appellant was likewise a friend of “BBB”, the private complainant's father. It was also shown that the accused-appellant's wife, whom the private complainant addressed as “lola”, assented to the accused-appellant's act of allowing the minor to stay in the former's house. Under the aforementioned circumstances, the accused-appellant employed undue influence over her. Indeed, accused-appellant is deemed in legal contemplation to have moral ascendancy over the victim[28].

Thus, the moral ascendancy and influence that the accused-appellant had over the private complainant sufficiently substituted for the force and intimidation required in rape[29]. Verily, the custodial control and domination over “AAA” of the accused-appellant rendered the former so meek and subservient to the lecherous advances of the latter.

Ultimately, the issue, as raised by the accused-appellant herein, boils down to credibility of a witness. The Supreme Court has repeatedly ruled that matters affecting credibility are best left to the trial court because of its unique opportunity of having observed that elusive and incommunicable evidence of the witness' deportment on the stand while testifying, an opportunity denied to the appellate courts which usually rely on the cold pages of the silent records of the case[30].

As established in the case herein, it was not convincingly shown that the court a quo had overlooked or disregarded significant facts and circumstances which, when considered, would have affected the outcome of the case[31], or justify a departure from the assessments and findings of the court below.

Besides, the tender age of the private complainant further lends to her credibility[32]. “AAA” was only fourteen years old at the time that she was raped by the accused-appellant. No young and decent Filipina would publicly admit that she was ravished and her honor tainted unless the same was true, for it would be instinctive on her part to protect her honor and obtain justice for the wicked acts committed upon her[33].

Finally, the accused-appellant makes capital of the fact that only a photocopy of “AAA's” birth certificate was offered in evidence and asserts that her minority has not been proven. We have examined the records of this case and found out that what was actually presented by the prosecution and admitted in evidence was a certified true xerox copy of the original.

A certificate of live birth is a public record in the custody of the local civil registrar who is a public officer[34]. As such, the presentation of the photocopy of the birth certificate of the victim is admissible as secondary evidence to prove its contents[35]. Production of the original may be dispensed with, in the trial court's discretion, whenever the opponent does not dispute the contents of the document and no other useful purpose will be served by requiring production[36].

This being the case, we perceive no error in the trial court's admission of, and reliance upon, said copy of “AAA's” birth certificate, for jurisprudence dictates that, in appreciating age, either as an element of the crime or as a qualifying circumstance, the best evidence is an original or certified true copy of the certificate of live birth of a party[37].

Hence, we do not find any cogent reason to divert from the findings and conclusions of the trial court as we find them in accord with the law and the evidence on record.

WHEREFORE, in view of the foregoing premises, the instant appeal is hereby ordered DENIED and, consequently, DISMISSED. The appealed Decision rendered by Branch 8 of the Regional Trial Court of the Fifth

Judicial Region in Legazpi City dated February 2013 in Criminal Cases Nos. FC-07-0070, FC-07-0071 and FC-07-0072 is hereby AFFIRMED.

SO ORDERED.

Paredes[*] and Galapate-Laguilles,**] JJ., concur.

[*] Acting Senior Member, Office Order No. 258-14-ABR dated June 2, 2014.

**] Acting Junior Member, Office Order No. 258-14-ABR dated June 2, 2014.

[1] People v. De Guzman, G.R. Nos. 140333-34, 11 December 2001.

[2] Ibid.

[3] See People vs. Cabalquinto, G.R. No. 167693, September 19, 2006, 502 SCRA 419.

[4] Record, Criminal Cases Nos. FC-07-0070, FC-07-0071, FC-07-0072, pp. 264-277.

[5] Ibid, Criminal Case No. FC-07-0070, pp. 1-2;

[6] Ibid, Criminal Cases Nos. FC-07-0071, pp. 1-2; FC-07-0072, pp. 1-2.

[7] Ibid, Criminal Case No. FC-07-0071, Order, p. 25; Criminal Case No. FC-07-00702, Order, p. 26; Criminal Case No. FC-07-0070, Order, p. 32.

[8] Supra, Note No. 4, Order, pp. 39-40.

[9] Ibid, p. 8.

[10] Ibid, p. 7.

[11] People v. Ogarte, G.R. No. 182690, May 30, 2011.

[12] People v. Agsaoay, Jr., G.R. Nos. 132125-26, June 3, 2004, 430 SCRA 450, 459.

[13] People vs. Salonga, 385 Phil. 1124 (2000).

[14] People v. Rapisora, G.R. No. 147855, May 28, 2004, 430 SCRA 237, 248-249.

[15] People v. Antonio, G.R. No. 157269, June 3, 2004.

[16] Ibid.

[17] Ibid.

[18] Ibid.

[19] People v. San Antonio, Jr., G.R. No. 176633, September 5, 2007.

[20] Ibid.

[21] People v. David, G.R. Nos. 121731-33, November 12, 2003.

[22] Ibid.

[23] Ibid.

[24] Ibid.

[25] Ibid.

[26] People v. Ubiña, G.R. No. 176349, July 10, 2007.

[27] Ibid

[28] People v. Villaruel, G.R. No. 135401, March 6, 2002.

[29] Supra, Note No. 26.

[30] People v. del Mundo, Sr., G.R. No. 132065, April 3, 2001.

[31] People v. Matrimonio, 215 SCRA 613 [1992].

[32] People v. Tan, Jr., 332 Phil. 465.

[33] People v. Villamor, G.R. No. 124441, October 7, 1998.

[34] People v. Barcena, G.R. No. 168737, February 16, 2006, 482 SCRA 543; People v. Cayabyab, G.R. No. 167147, August 3, 2005, 465 SCRA 681.

[35] Ibid.

[36] Ibid.

[37] People v. Pruna, 439 Phil. 440, 465 (2002).

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.