

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. PHILIPPE MARCELO Y ANICETO AND BEBS REYES, ACCUSED,

Ponente: CARANDANG, J.

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CARANDANG, J.:

Assailed in this appeal is the Decision[1] dated July 6, 2010 of the Regional Trial Court (RTC) of Manila, Branch 53, finding accused-appellant Philippe Marcelo y Aniceto (“accused-appellant”) guilty beyond reasonable doubt of the crime of rape with homicide, the dispositive portion of which states:

“WHEREFORE, in view of the foregoing, judgment is hereby rendered finding accused PHILIPPE MARCELO y ANICETO GUILTY beyond reasonable doubt of the crime of Rape with Homicide and is hereby sentenced to Reclusion Perpetua and ordered to pay the heirs of Candice Castro the following amounts: PHP100,000.00 as indemnity ex-delicto; PHP2,663,250.00 as unearned income; actual damages in the following amounts – PHP155,000.00 for funeral services; PHP300,000.00 for the wake, transportation and incidental expenses; as well as PHP2,325,700.00 as reimbursement for attorney’s fees; PHP 75,000.00 as moral damages; and PHP100,000.00 as exemplary damages.

Costs against the accused.

SO ORDERED.”

Accused-appellant and accused Bebs Reyes were charged with the complex crime of rape with homicide under the following Information:

“That on or about May 12, 2004, in the City of Manila, Philippines, the said accused, conspiring and confederating together and mutually helping each other, taking advantage of their superior strength and by means of force or intimidation employed upon the person of one AAA, did then and there willfully, unlawfully and feloniously have carnal knowledge of her, against her will.

That on the occasion of said rape, the said accused, with intent to kill, did then and there willfully, unlawfully and feloniously attack, assault and use personal violence upon AAA by then and there stabbing the latter several times thereby inflicting upon the said AAA multiple stab wounds which were direct and immediate cause of her death thereafter.

Contrary to law.”

During his arraignment on August 10, 2004, accused-appellant entered a plea of “not guilty”. Accused Bebs Reyes remained at large. Trial on the merits ensued.

The prosecution presented the following witnesses: Anthony Carlos Que, a Teller and co-employee of AAA at the MetroBank Leon Guinto Branch, who received the suspicious text messages from the cellphone number of AAA and who went to the latter's condominium unit and discovered the lifeless body of AAA; SPO1 David D. Tuazon, SPO4 Alfredo C. Salazar and PO2 Rommel Del Rosario, who were dispatched by the District Tactical Operation Center of the Western Police District (WPD), Homicide Division, to investigate a crime committed in Unit 1103,

Vellagio Tower located at 2011 Leon Guinto Street corner Quirion Avenue, Malate, Manila; PSI Edmar Dela Torre, a Forensic Chemist at the Medico-Legal Division of the PNP National Headquarters, Camp Crame, who conducted the Luminol Test which disclosed a blood trail from Unit 1103 to the hallway, through the second elevator and going out of said elevator to the hallway of the 6th floor leading to Room 604, which was occupied by accused-appellant; Dr. Francisco Supe, Chief of the PNP Forensic DNA Laboratory Section, who conducted the DNA test on the blood obtained from the sandals of accused-appellant with the finding that the DNA obtained from the sandals of accused-appellant matched the DNA of AAA taken from her muscle tissue; PSI Reynaldo T. Calaoa, Evidence Custodian and a DNA Analyst of the PNP-DNA Section in Camp Crame; PSI Judycel Macapagal, Forensic Chemist of the DNA Section of the PNP Camp Crame; who examined the urine sample of accused-appellant which yielded a positive result for Methylamphetamine Hydrochloride ("shabu"); PSI Sonia Cayrel, Chief of the WPD-SOCO Fingerprint Section, whose examination revealed that the latent fingerprint found on the shower head is identical to the right middle finger of accused-appellant; PSI Melvin Tamaca, of the PNP Crime Laboratory, who conducted fingerprint dusting inside Room 1103; Mary Ann Gonzaga, the Building Administrator of Vellagio Tower; SPO1 Arnel Virtudazo, Fingerprint Technician of the Crime Laboratory of SOCO, WPD, who took standard fingerprints, foot prints and palm prints of accused-appellant; Dr. Cesar Bisquerra, Medico-Legal Officer at the NBI, who conducted the autopsy on the cadaver of AAA; and BBB, mother of AAA, who testified on the civil aspect of the case.

In addition to accused-appellant's testimony, the defense presented the following witnesses: Dr. Elia Paulino Cabrera, a Physician-Pathologist and the head of the Clinical Microscopy Section, Department of Laboratories of the Philippine General Hospital (PGH), who affirmed the correctness of the laboratory result dated June 2, 2004; Myrna Flamenco, a Medical Technologist of the PGH, who conducted an examination of the urine of accused-appellant which gave a negative result for the presence of shabu; Felipe Marcelo, father of accused-appellant, testifying that it was he who took the urine sample from his son; Edmar dela Torre, who conducted a Luminol test on the sandals of accused-appellant given by the SOCO-WPD; Teresita Modar, the nephew of accused-appellant; and Genevie Evardoni, accused-appellant's cousin.

From the evidence adduced by both parties, the trial court found the following facts, which We find complete and worthy to quote, to wit:

"At the time when the crime subject matter of this case was committed, the accused as well as the victim were residents of Vellagio Tower, a multi-storey condominium situated at 2011 Leon Guinto St., Malate, Manila. Accused Phillippe Marcelo occupied Unit 604 at the 6th floor together with his live-in partner Rosalinda Dilambuti. Having been a resident of the studio-type unit since 2002, accused Marcelo was familiar with residents and maintenance personnel of the tower, including the security guards. Accused Marcelo claims that although he had seen Bebs Reyes sometime in March or April 2004 at Vellagio Tower, it was only on May 11, 2014 that he had the occasion to talk to Bebs during the drinking session that night. Accused-Beb Reyes' parents owned Unit 1105 at the 11th floor which was occupied at the time of incident by Bebs Reyes. Not far from Unit 1105, AAA Castro resided alone in Unit 1103 on the same floor. Her parents had chosen a place for their daughter that would spare them from worrying about her safety in going to and coming from her work in Manila. For AAA, the Vellagio Tower was a very convenient place for her because she was then employed as Loans Clerk of the Metrobank Leon Guinto corner Quirino Ave. Branch which is located just across the street. AAA's job in the bank required her to stay late in the evening after regular banking hours and for her to report early in the morning before the bank opened for the day. The location of her city residence was perfect for her. She did not have to face the traffic woes of a commuter and did not have to unnecessarily expose herself to the lurking danger of being victimized by criminal roaming the streets specially at night. At twenty-three, she was an attractive woman who had a bright future ahead of her. Apparently, she was friendly and very popular with her co-workers in the bank; hence, it was not unusual for her co-employees to visit her at Unit 1103 even after office hours.

On May 11, 2004, AAA arrived at Vellagio Tower late at night accompanied by friends who went up with her to Unit 1103. Philippe Marcelo, who was with Bebs Reyes, Jonas Santiago and Raymond Ruiz having a drinking session at the ground floor, saw AAA Castro arrive with her friends. After about thirty (30) minutes, accused Marcelo and his companions saw AAA and her friends again at the lobby. After seeing her friends leave, AAA walked to the elevator alone and returned to her unit. In the meantime, the drinking session continued at the ground floor until about 2:00 a.m. of May 12, 2004.

When the Metrobank Branch at Leon Guinto corner Quirino Ave. opened on May 12, 2004, AAA was not able to report for work. Her co-employees who wanted to know why she did not report early for work, discovered the lifeless body of AAA smeared in her own blood, with multiple stab wounds, hematomas, lacerations, and a floor mop handle plunged into her vagina inside Unit 1103. The crime scene was immediately secured by responding policemen from the WPD Homicide. SPO1 David Tuazon and PO2 Rommel Del Rosario were immediately dispatched by the District Tactical Operation Center of the WPD, Homicide Division to investigate. When SPO1 Tuazon and PO2 Del Rosario arrived at the crime scene at around 11:45 a.m., PO1 Pol Dispués, SPO2 Magadya and PO3 Garay from Police Station 5 were already there.

At around 12:45 p.m., PCI Melvin Tamaca, photographer PO2 Elena Ulit and fingerprint technician Rex Maningsin, all personnel from WPD SOCO arrived and processed the crime scene. PCI Tamaca conducted an ocular inspection of the crime scene. Then, under his supervision, PO2 Elena Ulit took picture of the victim lying on her back (Exhibit “NN”)[2], set of footprints (Exhibit “NN-1”)[3], disarrayed dresser of the victim (Exhibit “NN-4”)[4], disarrayed clothing on the floor (Exhibit “NN-5”)[5], bed with blood on the bed linen (Exhibit “NN-6”)[6], bags scattered all around (Exhibit “NN-7”)[7], the victim lying face down with a mop handle inserted into her vagina (Exhibts “NN-8, NN-9”)[8], the victim when she was turned over (Exhibit “NN-11”), a closer view of the victim's face and body full of blood (Exhibit “NN-12”)[9], and a kitchen knife with blue handle found on the bed (Exhibit “NN-13”)[10]. At around 1:00 p.m., PCI Romeo T. Salen, PCI Francisco Supe and PSI Edmar Dela Torre from the PNP-DNA, Camp Crame Headquarters arrived to assist in the investigation. PCI Salen and PCI Supe processed the crime scene and collected DNA specimen. They gathered and collected chest muscle tissue of the victim and swabs. PCI Tamaca and his team did fingerprint-dusting in Unit 1103 for the purpose of detecting latent fingerprints. He took a picture of the bath tub because he suspected that the shower head might have been used since it was not on its right place. He observed that the shower head was placed inside the basin in the bathtub instead of its receptacle. He detached the shower head from the hose and placed this inside a paper bag. Later, he gave the evidence to PCI Sonia Cayrel, the fingerprint technician of the WPD, Dactyloscopy Division for fingerprint examination.

Between 1:00 and 2:00 p.m. of May 12, 2004, SPO2 Alfredo Salazar, an investigator of the WPD Homicide Section arrived at the Vellagio Tower after he was also dispatched by P/Supt. Dominador Arevalo, Jr. to help in the investigation. That same afternoon of May 12, 2004, he saw accused Marcelo on the ground floor of the Vellagio Tower and noticed that Marcelo had scratches all over his face which appeared to be fresh lacerations or abrasions. SPO2 Salazar asked Marcelo about this and later explained that he had a quarrel with his wife, and that his wife scratched his face. SPO2 Salazar accompanied Marcelo to the Ospital ng Maynila where a doctor examined his scratches. Marcelo was also examined for alcoholic breath and subjected to a drug test. He was found positive for methamphetamine. From the hospital, he brought accused Marcelo to the Homicide Section for investigation.

Dr. Cesar Bisquera of the NBI performed the Autopsy and Post-Mortem Examination on the cadaver of AAA at the morgue of La Funeraria Paz in Quezon City. The parents of AAA had requested NBI to conduct the Autopsy and Post-Mortem Examination on the cadaver of their daughter. The parents of AAA had taken a plane from Legaspi City to Manila on May 12, 2004 and arrived at around 5:30 p.m.. After the father of the victim identified the body of AAA (Exhibit “ZZ”), Dr. Bisquera performed the autopsy and post-mortem examination. Dr. Bisquera reduced into writing the findings and conclusions of the post mortem examination and autopsy that he performed on AAA in the Post-Mortem Examination (Exhibit “AAA”)[11] and in Autopsy

Report No. 04-26 (Exhibit “BBB”)[12].

On May 13, 2004, at around 3:00 p.m., PSI Edmar Dela Torre returned to the crime scene with Major Tamaca and the SOCO Team to collect more specimen and to conduct additional tests. They conducted Micro Blue and Luminol Test to detect traces of blood or blood patches from Unit 1103 to areas in the building. The Luminol test he conducted disclosed a blood trail from unit 1103 to the hallway through the second elevator and going out of the said elevator to the hallway of the 6th floor that ended at the door of room 604. After conducting Luminol Test, he swabbed and collected blood from the areas from Unit 1103 up to its hallway and from the hallway of 6[th] Floor to Unit 604 and turned over the blood swabs to the evidence custodian for DNA examination. The result of the DNA Test conducted by PCI Francisco Supe on the swabs of blood collected by PSI Edmar Dela Torre from Unit 1103, the hallway of the 11[th] floor, the elevator, the hallway of 6[th] Floor, and at the front door of Unit 604 disclosed “that the DNA profile was found, the collected swabs matched to that of the DNA profile of the victim” (Exhibit “R-5”)[13]. The result as reflected in the PNP DNA Lab. Report No. DNA-017-04 (Exhibit “R”)[14] showed that the traces of blood and blod patches came from AAA. PSI Edmar Dela Torre requested PO2 Rommel Del Rosario to take the sandals of accused Marcelo so he (Dela Torre) could also subject the sandals to Luminol testing. PO2 Del Rosario complied by going to the WPD jail and asked accused Marcelo for the sandals that the latter wore at that time. PO2 Del Rosario placed the sandals into evidence bags which he sealed and marked with his initials (Exhibits Y and Z) and thereafter he gave them to Manuela Osoro, the evidence custodian of WPD SOCO, for delivery to PCI Dela Torre.

On the same day, May 13, 2004, at around 5:30 p.m., SPO1 Arnel Virtudazo took standard fingerprints, footprints and palm prints of accused Marcelo, in compliance with the instructions given by PSI Sonia Cayrel. SPO3 David Tuazon coordinated with the Jail Warden and requested that accused Marcelo be brought out from the cell for said purpose. When informed that fingerprints, foot prints and palm prints would be taken from him, accused Marcelo did not object and replied “ok lang”. The Standard Operating Procedure of the WPD Crime Lab in getting standard prints was performed by SPO1 Arnel Virtudazo in the presence of police officers Tuazon, De Quiroz and Mola. Thereafter, they immediately returned to their office and handed to PSI Cayrel Fingerprint Card Number N-188-04 which contained the standard fingerprints, footprints and palm prints of accused Marcelo.

PSI Sonia Cayrel performed Dactyloscopy tests on latent prints found inside the crime scene including the shower head that was turned over to him by PSI Dela Torre. She reduced into writing her findings in Dactyloscopy Report No. F-188-04 and among her findings, it was established that the latent fingerprint (Q-36) found on the shower head is identical to Specimen S-2, the standard print on the right middle finger of accused Marcelo.

On May 14, 2004 at 9:50 a.m., PSI Reynaldo Calaoa, evidence custodian of PNP Crime Laboratory, received a Letter-Request/Memorandum SOCO 1515-04 for Rape with Homicide together with two (2) evidence bags (Exhibits “Y” and “Z”) containing rubber sandals from PO1 Rommel Del Rosario and Manuel Osoro. At around 10:30 a.m., the sandals were given to PSI Dela Torre for a micro blue examination. At around noon time of May 14, 2004, PSI Dela Torre returned to PSI Calaoa the two (2) bags containing the sandals and on the same evidence bags, PSI Calaoa affixed his signatures (Exhibits “Y-5 and Z-5”) across the bags on the seals before he placed them inside the Evidence Room at the DNA Laboratory.

On that same day on May 14, 2004, PSI Edmar Dela Torre performed a Luminol test on the rubber sandals of accused Marcelo, which were forwarded by the WPD Homicide Division on the basis of a memorandum request dated May 13, 2004; that in the PNP DNA Lab. Report LT-001-017-04 (Exhibit “S”), accused Marcelo's sandals tested positive for blood. Then, PCI Supe conducted DNA testing on the blood obtained from the sandals of accused Marcelo. PCI Supe conducted extraction, amplification and analysis for the test. For analysis, PCI Supe utilized the Short Tandem Repeat (STR) DNA test which was done by analyzing the ploymerase chain reaction. And for the amplification of the DNA, they used the Thermocycler (with brand name Ettendorf) machine. The DNA profile generated from the swabs and the muscle tissue using the STR loci

showed that the genetic profile of Specimen A matched with that of Specimen B. The findings and results were placed by PCI Supe in PNP DNA Lab. Report No. DNA-017-04C (Exhibit "T").[15]"

On July 6, 2010, the trial court rendered a Decision convicting accused-appellant of the special complex crime of rape with homicide and sentencing him to suffer the penalty of reclusion perpetua. On the basis of the prosecution's evidence as well as the admissions made by accused-appellant in the course of his testimony and in his Sworn Statement, the trial court ruled that the prosecution has established beyond reasonable doubt accused-appellant's participation as principal in the commission of the crime of rape with homicide. Accused-appellant was likewise ordered to pay the heirs of AAA the amount of PHP100,000.00 as indemnity ex-delicto; PHP2,663,250.00 as unearned income; actual damages in the following amounts: PHP155,000.00 for funeral services, PHP300,000.00 for the wake, transportation and incidental expenses; PHP2,325,700.00 as attorney's fees; PHP75,000.00 as moral damages; and PHP100,000.00 as exemplary damages.

Hence, this appeal with the following assignment of errors:

I

THAT THE LOWER COURT GRAVELY ERRED AND COMMITTED MANIFEST ERRORS WHEN IT CONSIDERED/ADMITTED THE EVIDENCE PRESENTED BY THE PROSECUTION WHICH WERE ILLEGALLY OBTAINED.

II

THAT THE LOWER COURT GRAVELY ERRED AND COMMITTED MANIFEST ERRORS WHEN IT RULED THAT - "THE EVIDENCE IN THIS CASE IS MORE THAN SUFFICIENT TO CONVINCINGLY ESTABLISH ACCUSED MARCELO'S CULPABILITY BEYOND DOUBT."

III

THE LOWER COURT GRAVELY ERRED AND COMMITTED MANIFEST ERRORS WHEN IT RENDERED THE QUESTIONED DECISION DATED JULY 6, 2010 FOR THE SAID DECISION IS CONTRARY TO THE FACTS AND LAW APPLICABLE TO THE CASE AT BAR.

IV

THAT LOWER COURT GRAVELY ERRED AND COMMITTED MANIFEST ERRORS WHEN IT ORDERED THE ACCUSED-APPELLANT TO PAY DAMAGES AND THE OTHER MONETARY AWARDS AS STATED IN THE QUESTIONED DECISION.

The principal issue to be resolved herein is whether the prosecution's evidence established beyond reasonable doubt the culpability of accused-appellant as the perpetrator of the crime thus charged.

In this appeal, accused-appellant maintains that he did not commit the charge being imputed against him and that the trial court gravely erred and committed manifest errors when it rendered the assailed Decision. He asserts the his constitutional rights were violated during the custodial investigation, hence, the evidence presented by the prosecution, i.e., urine test, fingerprints test, rubber sandal, were inadmissible in evidence having been illegally obtained. Further, accused-appellant pointed out the conflicting testimonies of the prosecution witnesses and the highly questionable and doubtful forensic findings. Finally, accused-appellant claims that there was no direct evidence pointing to him as the one who committed the crime.

The appeal is devoid of merit.

Accused-appellant's claim that the trial court should have excluded the evidence taken during the custodial investigation deserves scant consideration.

Any allegation of violation of rights during custodial investigation is relevant and material only to cases in which

an extrajudicial admission or confession extracted from the accused becomes the basis of their conviction.[16] The High Court has categorically ruled that “the infractions of the so-called Miranda rights render inadmissible ‘only the extrajudicial confession or admission made during custodial investigation.’ The admissibility of other evidence, provided they are relevant to the issue and [are] not otherwise excluded by law or rules, [are] not affected even if obtained or taken in the course of custodial investigation.”[17]

In this case, accused-appellant did not make any confession or admission during his custodial investigation. No statement was taken from him during his detention on May 12, 2004. The prosecution did not present any extrajudicial confession extracted from accused-appellant as evidence of his guilt. In fact, it was accused-appellant who submitted his “Sinumpaang Salaysay” that was affirmed on May 14, 2004 before a Notary Public, Atty. Felipe Fragante, the contents of which he also affirmed in open court.

Besides, SPO1 David D. Tuazon testified that when accused-appellant was under detention in WPD on May 12, 2004, he informed accused-appellant of his right to remain silent and to have a competent and independent counsel preferably of his own choice, and that if he cannot afford the services of counsel, the government would provide him a counsel, accused-appellant opted to remain silent and refused to sign the Booking Sheet and Arrest Report.

Accused-appellant must be referring to his right against self-incrimination when he alleged that the urine test, fingerprints test, and rubber sandals are inadmissible in evidence having been illegally obtained. It should be stressed, however, that the right against self-incrimination pertains to testimonial compulsion. This right, as put by Mr. Justice Holmes in *Holt vs. United States*[18], “... is a prohibition of the use of physical or moral compulsion, to extort communications from him ...” It is simply a prohibition against legal process to extract from the accused's own lips, against his will, admission of his guilt. It does not apply to the instant case where the evidence sought to be excluded is not an incriminating statement but an object evidence,[19] as in this case.

Next, accused-appellant argues that the evidence of the prosecution failed to meet the quantum of proof required in criminal cases, taking into consideration the conflicting testimonies and highly questionable nature of the forensic findings. Further, accused-appellant claims that there was no direct evidence pointing to him as the one who committed the crime.

The crime committed in this case is rape with homicide. We have often conceded the difficulty of proving the commission of rape when only the victim is left to testify on the circumstances of its commission. The difficulty heightens and complicates when the crime is rape with homicide, because there may usually be no living witnesses if the rape victim is herself killed. Yet, the situation is not always hopeless for the State, for the Rules of Court also allows circumstantial evidence to establish the commission of the crime as well as the identity of the culprit. Direct evidence proves a fact in issue directly without any reasoning or inferences being drawn on the part of the factfinder; in contrast, circumstantial evidence indirectly proves a fact in issue, such that the factfinder must draw an inference or reason from circumstantial evidence. To be clear, then, circumstantial evidence may be resorted to when to insist on direct testimony would ultimately lead to setting a felon free.[20]

Section 4 of Rule 133 of the Rules of Court requires for circumstantial evidence to warrant the conviction of an accused that, firstly, there are more than one circumstance; secondly, the facts from which the circumstances arose are duly established in court; and, thirdly, the circumstances form an unbroken chain of events leading to the fair conclusion of the culpability of the accused for the crime for which he is convicted.[21]

The circumstantial evidence presented by the prosecution, consisting of testimonial, physical and forensic evidence, sufficiently and convincingly proved an unbroken chain which led to a fair and reasonable conclusion pinpointing to accused-appellant as the person who sexually abused and killed AAA in that fateful day of May 12,

2014. The following are the circumstantial evidence, which by their "concordant combination and cumulative effect",^[22] satisfy the requirements for the conviction of accused-appellant, to wit:

- a). Accused-appellant admitted in the course of his testimony that he and Bebs Reyes went up to the unit of AAA in the early morning of May 12, 2004;
- b). Accused-appellant's scratches on his face, which were noticed by SPO4 Salazar when he saw accused-appellant on the ground floor of Vellagio Tower on May 12, 2004, were fresh lacerations and abrasions caused by the fingernails of AAA when she resisted accused-appellant;^[23]
- c). The forensic evidence revealed, specifically Dactyloscopy Report No. F-188-04 prepared by PSI Cayrel, that the latent print on the shower head recovered in the room of AAA matched accused-appellant's standard fingerprint of his right middle finger;
- d). The Luminol Test conducted by PSI Dela Torre and the SOCO team on May 13, 2004 disclosed a blood trail from Unit 1103, AAA's room, that led them to Unit 604 which was occupied by accused-appellant;
 - d.1). Footprints with traces of blood from Room 1103 and the hallway led to the second floor elevator at the 11th floor.
 - d.2). Inside the elevator, traces of droplets of blood were also found. The bloodied footprints which measured approximately 12 inches long and 5 inches wide were also found on the hallway of the 6th floor coming out of the elevator.
 - d.3). The trail ended in front of the door of Unit 604 (Exh. "Q, Q-1").
- e). The DNA Testing for the blood on the swabs collected by PSI Dela Torre disclosed that the DNA from the blood swabs matched the DNA of the muscle tissue of AAA (Exh. "R, R-5").
- f). The Luminol Test on the sandals of accused-appellant yielded a positive result for traces of blood and the DNA obtained from said traces of blood on the sandals of accused-appellant matched the DNA obtained from the muscle tissue of AAA (Exh. "T, T-5").

Indeed, the prosecution presented sufficient circumstantial evidence to establish beyond reasonable doubt that accused-appellant was the author of the crime charged.

Contrary to accused-appellants' assertion in his Brief, this Court agrees with the trial court, after a careful examination of the testimonies of the police investigators and the SOCO personnel, that the standard operating procedure for gathering, preserving and analyzing the blood, latent prints and similar specimen found in the crime scene were dutifully followed by them. Hence, the forensic evidence presented is reliable and worthy of credence.

The alleged inconsistencies pointed out by accused-appellant as to the testimonies of the police investigators and the members of the SOCO do not touch the essence of the crime; thus, they are inconsequential and will not affect the veracity and weight of their testimonies. More so, it is doctrinal that the evaluation by the trial court of the testimony of a witness is accorded the highest respect because it is the trial court that has the direct opportunity to observe the witness's demeanor on the stand and determine if she is telling the truth or not. Such assessment is binding on this Court except when the same was reached arbitrarily or when the trial court overlooked, misunderstood or misapplied some facts or circumstances of weight and substance which could have affected the result of the case, which We find none in this case.

Clearly, the evidence on record established that accused-appellant brutally raped and killed AAA. The beastly manner by which Candice was sexually abused and killed by accused-appellant, being stabbed in the chest for twenty-four (24) times and a mop being inserted into her vagina, only shows the bestiality of accused-appellant who was obviously under the influence of drugs and was totally oblivious of the degree of pain and torture that AAA had to suffer.

As aptly ruled by the trial court:

“The nature of the injuries sustained by AAA on her head, shoulder, cheek, arms, fingers as well as the number of stab wounds inflicted on her, the insertion of a mop handle into her vagina and physical condition of the scene of the crime left behind by the accused leave no doubt that the accused took advantage of superior strength in raping as well as in killing the victim. Evidently, this is a heinous crime. The flagrantly violent manner in which the same was committed shows a patent disregard and mockery of the law, public peace and order, and public morals. This crime whose essential and inherent viciousness and atrocity are so repugnant and outrageous to a civilized society.

The disparity in strength and number between the accused and the victim is readily apparent. AAA was no match to the accused. By mere size, accused Marcelo who is a heavyweight, would easily overwhelm the victim. With the help and complicity of another assailant, the victim had no chance of avoiding the sexual assault. The bruises on various parts of the body of AAA manifested her futile attempt to free herself from groping and restraining hands of her attackers. Her face bore the mark of an impact blow caused by a blunt object on the right side of her face. The multiple stab wounds suffered by her caused by a knife wielded by the accused are indicative of cruelty by employing unnecessary violence on their victim. The fact that a mop handle was plunged into the sexual organ of the victim speaks of the total disregard and violation of the dignity and person of AAA.”

The penalty of reclusion perpetua is affirmed pursuant to Article 266-B of the Revised Penal Code (RPC). The medico-legal findings of Dr. Bisquera shows AAA's hymen with fresh incomplete laceration at 12:00 o'clock and 6:00 o'clock positions. Lacerations, whether healed or fresh, are the best physical evidence of forcible defloration.[24] Rape under Article 266-A, paragraph 2 was also committed by the fact that a mop was inserted into the genital of the victim. And under Article 266-B, “when by reason or on the occasion of the rape (without carnal knowledge), homicide is committed, the penalty shall be reclusion perpetua”, same penalty for rape (with carnal knowledge) with homicide.

We likewise affirm the award of damages. In conformity with current policy, We impose on all the monetary awards for damages interest at the legal rate of 6% per annum from date of finality of this Decision until fully paid.[25]

WHEREFORE, premises considered, the instant appeal is DISMISSED and the assailed Decision dated July 6, 2010 of the Regional Trial Court (RTC) of Manila, Branch 53, is hereby AFFIRMED, and the civil liability imposed shall earn 6% interest per annum from date of finality of judgment until paid.

SO ORDERED.

Gonzales-Sison and Sorongon, JJ., concur.

[1] Rollo, pp. 138-164.

[2] Records, p. 737.

[3] Ibid.

- [4] Records, p. 739.
- [5] Records, p. 740.
- [6] Ibid.
- [7] Ibid.
- [8] Records, p. 741.
- [9] Records, p. 743.
- [10] Ibid.
- [11] Records, p. 790.
- [12] Records, pp. 791-792.
- [13] Records, p. 694.
- [14] Ibid.
- [15] Records, p. 696.
- [16] Ho Wai Pang vs. People of the Philippines, G.R. No. 176229, October 19, 2011.
- [17] Ibid., citing Aquino vs. Paiste, G.R. No. 147782, June 25, 2008.
- [18] 218 U.S. 245 cited in People vs. Malimit, G.R. No. 109775, November 14, 1996.
- [19] People vs. Malimit, G.R. No. 109775, November 14, 1996.
- [20] People vs. Dela Cruz, G.R. No. 183091, June 19, 2013.
- [21] Bacolod vs. People, G.R. No. 206236, July 15, 2013.
- [22] People vs. Malimit, *supra*.
- [23] TSN, November 5, 2009, pp. 5-7.
- [24] People vs. Paler, G.R. No. 186411, July 5, 2010.
- [25] People vs. Dela Cruz, G.R. No. 183091, June 19, 2013, citing People v. Deligero, G.R. No. 189280, April 17, 2013.

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