PEOPLE OF THE PHILIPPINES, APPELLEE, VS. JESUS BALIGOD Y PINEDA,APPELLANT.

G.R. No. 172115. August 06, 2008

Ponente: QUISUMBING, J.

Read online (full-text search, related cases, audio case brief): https://batas.org/library/g-r-no-172115/

QUISUMBING, J.:

This is an appeal from the Decision[1] dated February 9, 2006 of the Court of Appeals in CA-G.R. CR-H.C. No. 00368, which had affirmed the Judgment[2] dated July 20, 2004 of the Regional Trial Court (RTC) of xxx, Cagayan, Branch 11 in Criminal Case No. 971-T, finding appellant Jesus Baligod y Pineda guilty beyond reasonable doubt of the crime of rape under Article 266-A(1)(a)[3] in relation to Article 266-B[4] of the Revised Penal Code, as amended; sentencing him to suffer the penalty of reclusion perpetua; and ordering him to pay the victim P50,000 as civil indemnity and P50,000 as moral damages.

The Information[5] dated February 4, 2002 in which Baligod was indicted for the crime of rape reads:

> x x x x
>
> That on or about August 16, 2001, in the Municipality of [xxx], Province of [xxx], and within the jurisdiction of this Honorable Court, the said accused, JESUS BALIGOD Y PINEDA, with lewd design and by the use of force and intimidation, did, then and there willfully, unlawfully and feloniously have sexual intercourse with the offended party, [AAA],[6] against her will.
>
> Contrary to law.

When arraigned, Baligod pleaded not guilty. Trial ensued thereafter.

Based on the testimonies of AAA, the victim herself, and BBB, the wife of AAA's nephew, the prosecution established that at around 9:00 p.m. on August 16, 2001, AAA, 67 years old, was on her way to her sister's place in xxx, Cagayan. While she was at the roadside looking for a tricycle, Baligod came from behind, grabbed her and held her neck. She struggled but she fell to the ground. Baligod dragged her towards the inner portion of the roadside and continuously boxed her on the chest and mouth. Then he forced her to lie down. He threatened to kill her. When she got weak, Baligod removed her shorts and underwear, went on top of her and inserted his penis inside her vagina. After satisfying his lust, Baligod ran away. AAA cried for help.[7]

BBB was at her residence around 9:30 p.m. and heard AAA's cry for help. She and her husband went outside and saw AAA sitting at the roadside naked from waist down. AAA's mouth was bleeding, her face was swollen and she was having difficulty breathing. When they asked AAA what happened, AAA narrated that she was sexually molested by "Kisut" Baligod. BBB sought the help of DDD, AAA's brother, who reported the incident to the police authorities. AAA was brought to xxx District Hospital.[8]

The medical certificate issued by Dr. Rowena Martina Cardenas-Sion, who physically examined AAA, sets forth the following:

- Contusion, about 2x2.0 cm. mandibular area.

- Periorbital contusion-hematoma, right with subconjunctival hemorrhage.

- Perioral contusion-hematoma.

- (+) Positive erythema, anterior neck.

- Cyanotic tongue.

- (+) Positive edematous gingivae, lower.

- (+) Positive severe tenderness anterior chest.

- (+) Positive superficial abrasions irregular knee, bilateral.

- I.E. - Edematous clitoral area with severe tenderness.
HYMEN - very old healed lacerations at 2, 6, 10 o'clock area.
Vagina admits 2 fingers snuggly with tenderness.[9]

Baligod denied the charges against him and testified that on August 16, 2001, he was at xxx until 5:00 p.m., plying his usual route as a tricycle driver. After driving the whole day, he brought three bottles of gin at the house of Mario Castillo and had a drink with the latter. After their drinking spree, Castillo took him home. On their way to his house, they passed by and joined a group who was drinking liquor in one corner. Suddenly, AAA arrived and approached him to bring her to xxx, but he refused and instead told her to go home because it was already dark. AAA did not heed his advice and continued to walk towards the direction of xxx. His companions told him that AAA has a history of attempting to commit suicide whenever she does not get what she wants. On his way home later that night, he saw AAA still walking. Afraid that she would commit suicide, he followed her and advised her to go home. AAA still refused so he boxed her. AAA then went home.[10]

After trial, the court a quo rendered judgment convicting Baligod of the crime of rape under Art. 266-A(1)(a) in relation to Art. 266-B of the Revised Penal Code, as amended. The trial court gave weight to AAA's testimony, which was given clearly, convincingly and logically. It also ruled that absent any imputation of ill-motive on AAA, she had no reason to concoct a false tale of rape against Baligod. It also considered the corroborating testimony of prosecution witness BBB as part of the res gestae and noted the medical findings of AAA as well. The fallo of the decision reads,

> WHEREFORE, in view of all the foregoing, the Court hereby finds that the guilt of the accused Jesus Baligod Y Pineda alias Kisut for the crime of rape defined and penalized under [A]rt. 266-a:1(a) in relation to Art. 266-b both of the Revised Penal Code as amended by Republic Act 8353 has been proven beyond reasonable doubt and hereby sentences the said accused JESUS BALIGOD Y PINEDA to suffer imprisonment of twenty five (25) years of Reclusion Perpetua. He is further sentenced to pay the private complainant [AAA] the amount of P50,000.00 as civil indemnity plus the further amount of P25,000.00 as moral damages.
>
> SO ORDERED.[11]

On appeal, the Court of Appeals upheld the trial court's ruling but modified the award of moral damages. It regarded AAA as a credible witness and accorded full credence to AAA's testimony because it was categorical, straightforward and consistent. It also ruled that appellant's acts of grabbing AAA, holding her neck, boxing her several times on the chest and mouth and threatening to kill her are strongly suggestive of force or at least intimidation sufficient to bring her to submission.[12] The decretal portion of the decision reads:

> WHEREFORE, the appealed decision in Criminal Case 971-T is hereby AFFIRMED with MODIFICATION. Accused-appellant Jesus Baligod y Pineda is hereby sentenced to suffer the penalty of reclusion perpetua. He is

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

> further ordered to indemnify the private complainant the sums of P50,000.00 as civil indemnity and P50,000.00 as moral damages.
>
> SO ORDERED.[13]

The case is now before us for final disposition. In his brief, appellant faults the trial court in

> ...CONVICTING THE ACCUSED-APPELLANT OF RAPE WHEN THE LATTER'S GUILT WAS NOT PROVEN BEYOND REASONABLE DOUBT.[14]

Essentially, the issue for our resolution is whether appellant's guilt has been proven beyond reasonable doubt.

In his brief, appellant assails the sufficiency of the prosecution evidence and contends that the prosecution should not draw its strength from the weakness of his defense. He claims that he was drinking liquor with a group when AAA approached her to accompany her to xxx. He refused her plea, but he got worried because his companions informed him that she has a suicidal tendency. So, he followed her to advise her to go home instead, but she insisted to do otherwise. Appellant admits he boxed her, but denies raping her. He also argues that he could not have raped her because she was already 68[15] years of age.

For the State, the Office of the Solicitor General contends that the following elements of rape were proven: (1) that the offender had carnal knowledge of a woman; and (2) that such act is accomplished by using force or intimidation. It cites the trial court's findings according credence to the testimonies of AAA and BBB. It also points out that appellant's acts of boxing AAA negate appellant's testimony "that he only boxed AAA because he respected her."

We affirm appellant's conviction.

Rape is generally unwitnessed and oftentimes, the victim is left to testify for herself.[16] Thus, in resolving rape cases, the victim's credibility becomes the primordial consideration. If a victim's testimony is straightforward, convincing and consistent with human nature and the normal course of things, unflawed by any material or significant inconsistency, it passes the test of credibility and the accused may be convicted solely on the basis thereof.[17] To ensure that justice is meted out, extreme care and caution is required in weighing the conflicting testimonies of the complainant and the accused.

During trial, AAA recounted the terrible experience which had befallen her as follows:

> FISCAL:
>
> x x x x
>
> Q
>
> What was that?
>
> A
>
> I was holding a wick lamp going to the house of my relatives to ask for a tricycle available.
>
> Q
>
> What happened while you were on your way?

A

He suddenly grabbed me by the neck from behind then I fell to the ground and the lamp I was holding also fell to the ground.

Q

Who grabbed you?

A

Jesus Baligod.

Q

If this person will be shown to you, will you be able to identify him?

A

Yes, sir.

Q

If he is around the courtroom will you please point at him.

A

There, sir. (Witness pointed to a person and who was asked his name and he answered that he is Jesus Baligod).

COURT:

Q

Where did Jesus Baligod come from before he grabbed you?

A

From behind.

x x x x

Q

You said that the accused grabbed you and you fell to the ground, what did he do after that?

A

He boxed me, held my neck and he even boxed my chest.

Q

How many times did he box you?

A

I can't remember anymore, sir.

COURT:

Q

Turn this case into an audio lecture - facts, issues, ruling and doctrine - at batas.org

Did he stay on top of you?

A

Yes, sir.

FISCAL:

Q

Then what did he do next?

A

He removed my short pant[s] and panty.

Q

How about him when he removed your shorts and panty, what did he do?

A

He inserted his penis.

Q

Where?

A

In my vagina.

Q

How do you know that his penis was inserted into your vagina?

A

I felt his penis entering my vagina.

x x x x

COURT:

Q

Did he perform a sexual motion into your vagina? I mean the pushing in and out motions?

A

[Y]es, sir.

Q

And what did you feel or notice?

A

I felt pain.

FISCAL:

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

x x x x

Q

After the sexual assault by the accused, what did he do next?

A

He ran

Q

How about you what did you do?

A

I just stayed sitting on the road and then a help came.[18]

x x x x

In open court, AAA had subjected herself to the glare of public prosecution for rape, positively identified appellant as her rapist and candidly revealed the ugly details of the deplorable violation of her person. Notably, both the trial and appellate courts gave credence to her testimony and they both regarded her as a credible witness. Absent any showing that the lower courts had overlooked certain facts of substance and value which, if considered might affect the result of the case, we find no basis to doubt or dispute, much less overturn, the findings of credibility by both courts. As we have held in People v. Malejana,[19]

> Having the opportunity to observe [the witnesses in open court], the trial judge is able to detect that sometimes thin line between fact and prevarication that will determine the guilt of the accused. That line may not be discernible from a mere reading of the impersonal record by the reviewing court.
>
> The record will not reveal those tell-tale signs that will affirm the truth or expose the contrivance, like the angry flush of an insisted assertion or the sudden pallor of a discovered lie or the tremulous mutter of a reluctant answer [or] the forthright tone of a ready reply. The record will not show if the eyes have darted in evasion or looked down in confession or gazed steadily with a serenity that has nothing to distort or conceal. The record will not show if tears were shed in anger, or in shame or in remembered pain, or in feigned innocence. Only the judge trying the case can see all these on the basis of his observations arrive[d] at an informed and reasoned verdict.[20]

Juxtaposed against the prosecution evidence, appellant's defense of denial is inherently weak. As often stressed, a mere denial constitutes negative evidence and warrants the least credibility or none at all absent any strong evidence of non-culpability. It cannot prevail over the positive and credible declarations of the victim and her witnesses testifying on affirmative matters.[21]

Further, appellant's admission of boxing AAA negates his own premise that he was only concerned with AAA's safety when he advised the latter to go home instead. Also, the fact that the victim is already in her late 60's does not negate the possibility of rape because what is decisive in rape cases under Art. 266-A(1)(a) of the Revised Penal Code, as amended, is whether the prosecution, as in this case, has sufficiently proved the commission by the accused of having carnal knowledge with a woman by use of force.

As to the award of damages, both courts are consistent with the prevailing jurisprudence on simple rape and correctly imposed P50,000 as civil indemnity. Conformably too, the Court of Appeals correctly modified the award of moral damages from P25,000 to P50,000[22] as the latter amount is automatically granted in rape cases without need of further proof other than the commission of the crime because it is assumed that a rape victim has

suffered moral injuries entitling her to such an award.

WHEREFORE, the Decision dated February 9, 2006 of the Court of Appeals in CA-G.R. CR-H.C. No. 00368 is AFFIRMED. This Court finds appellant Jesus Baligod y Pineda guilty beyond reasonable doubt of the crime of rape and sentences him to suffer the penalty of reclusion perpetua and to indemnify the victim the sums of P50,000 as civil indemnity and P50,000 as moral damages. No pronouncement as to costs.

SO ORDERED.

Carpio Morales, Tinga, Velasco, Jr., and Brion, JJ., concur.

---

[1] CA rollo, pp. 112-120. Penned by Associate Justice Eliezer R. De los Santos, with Associate Justices Jose C. Reyes, Jr. and Arturo G. Tayag concurring.

[2] Records, pp. 95-96. Penned by Judge Orlando D. Beltran.

[3] Art. 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;
>
> x x x x

[4] Art. 266-B. Penalties. – Rape under paragraph 1 of the next preceding article shall be punished by reclusion perpetua.

x x x x

[5] Records, p. 14.

[6] The real name of the victim is withheld; see People v. Cabalquinto, G.R. No. 167693, September 19, 2006, 502 SCRA 419, 425-426.

[7] CA rollo, p. 113.

[8] Id.

[9] Records, p. 3.

[10] CA rollo, p. 114.

[11] Records, p. 96.

[12] CA rollo, p. 116.

[13] Id. at 120.

[14] Id. at 25.

[15] Id. at 28; TSN, October 9, 2002, p. 2.

[16] People v. Penaso, G.R. No. 121980, February 23, 2000, 326 SCRA 311, 318.

[17] People v. Gabelinio, G.R. Nos. 132127-29, March 31, 2004, 426 SCRA 608, 619.

[18] TSN, October 9, 2002, pp. 3-5.

[19] People v. Malejana, G.R. No. 145002, January 24, 2006, 479 SCRA 610.

[20] Id. at 620.

[21] People v. Penaso, supra note 16, at 320.

[22] Id. at 323.

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

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.