

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. REYNALDO TECZON Y PASCUAL, ACCUSED-APPELLANT.

G.R. No. 174098. September 12, 2008

Ponente: VELASCO JR., J.

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VELASCO JR., J.:

The Case

This is an appeal from the Decision[1] dated March 31, 2006 of the Court of Appeals (CA) in CA-G.R. CR-H.C. No. 01951 entitled *People of the Philippines v. Reynaldo Teczon* which affirmed the Judgment[2] dated June 22, 2001 of the Regional Trial Court (RTC), Branch 30 in San Pablo City in Criminal Case No. 12619-SP. The RTC found accused-appellant Reynaldo Teczon guilty of rape and imposed upon him the penalty of reclusion perpetua.

The Facts

On October 10, 2000, complainant AAA,[3] then 14 years old, accompanied her aunt to school for the latter to attend the Parents and Teachers' Association meeting. While the aunt was in the meeting, complainant left to get some refreshments outside the school.

On her way back, complainant chanced upon accused-appellant who, upon seeing her, invited her to eat in his house. She declined the invitation despite accused-appellant's persistence. Failing to convince complainant, accused-appellant pulled out a fan knife and pointed it on the left side of complainant's neck and warned her not to shout for help.[4]

Accused-appellant then dragged complainant to a forested area. Still pointing the knife at complainant, accused-appellant removed his clothes. Thereafter, he undressed complainant, laid her on the ground, and kissed her lips, neck, and breasts. He then went on top of her and inserted his penis into her vagina. He pumped continuously and the assault lasted for about 20 minutes. Thereafter, accused-appellant allowed complainant to put her clothes back on. Accused-appellant threatened to kill AAA if she revealed the incident to anybody.[5]

While accused-appellant was buttoning his pants, complainant ran away and went back to her school. There she met some of her schoolmates who inquired why she looked disheveled. She dismissed them by saying that she had a fight with a girl who made fun of her. One student, however, reported the matter to their class adviser, who also asked her what happened. She continued to conceal the truth and again explained that she merely had a quarrel with a girl outside the school. The class adviser asked complainant to bring her mother to school the next day.[6]

Complainant slept at her schoolmate's house that night. The next day, she revealed to her mother what had happened. Her mother shared the information with complainant's class adviser. Complainant readily confirmed the report and pointed to accused-appellant as the assailant.[7]

Complainant, accompanied by her mother, then went to the San Pablo District Hospital for examination. Dr.

Arlene Bicomong, the examining physician, found that complainant's hymen was no longer intact and that she had a vaginal laceration at the 6 o'clock position.[8]

Consequently, an Information for rape was filed against accused-appellant.[9] It reads:

That on or about October 10, 2000, in the City of San Pablo, Republic of the Philippines and within the jurisdiction of this Honorable Court, the accused above-named, with lewd design and by means of force and intimidation, did then and there willfully, unlawfully and feloniously have sexual intercourse with one [AAA], 14 years old, against her will and consent.

That the commission of the offense is aggravated by the use of deadly weapon with which the accused was then conveniently provided and that the crime committed is qualified by the fact that the victim is below eighteen (18) years old.

During trial, accused-appellant interposed the defense of denial. He claimed that AAA charged him with rape because he witnessed her committing an indecent act on the same day that the alleged rape occurred. He said that on October 10, 2000 at about 2 o'clock in the afternoon, he left home to see an albularyo (quack doctor) and have his boils treated. On his way, he accidentally saw a young man on top of a girl behind some tall plants about 10 to 15 meters away from the road. Upon noticing that the two were having sex, he shouted at them, and they suddenly scampered in different directions. He did not know the youngsters but he knew that they are students of the nearby school because of the girl's uniform. He disclosed the incident with the albularyo and with the school's canteen operator. He came to know the name of the girl only after the accusation against him was made.[10]

On June 22, 2001, the RTC rendered a Judgment, the dispositive portion of which reads:

WHEREFORE, his guilt having been established and proved beyond reasonable doubt for the crime of rape under RA 8353, the Court hereby sentences the accused Reynaldo Tec[z]on y Pascual to suffer the penalty of reclusion perpetua to indemnify [AAA], the amount of [PhP] 50,000.00 for moral damages and to pay costs.

SO ORDERED.[11]

Accused-appellant filed a Notice of Appeal and the records of the case were forwarded to this Court for review. The case was originally docketed as G.R. No. 151201. In accordance with *People v. Mateo*,^[12] however, this Court, in its February 7, 2005 Resolution, transferred the case to the CA for intermediate review.

The Ruling of the CA

On March 31, 2006, the CA affirmed the June 22, 2001 Judgment of the RTC. Convinced of the credibility of the complainant, the CA dismissed the alleged inconsistencies in complainant's testimony. Further, it observed that there was nothing in the records that would show that complainant harbored any ill motive to charge accused-appellant as the sole perpetrator of the crime.

Moreover, the CA dismissed accused-appellant's alibi that the boils near his groin made it impossible for him to have sex. The CA noted that accused-appellant's claim was negated by the testimony of his own witness and examining physician when the latter testified that sexual intercourse was possible despite the boils.

Hence, we have this appeal.

The Issues

In a Resolution dated December 4, 2006, this Court required the parties to submit supplemental briefs if they so desired. On August 29, 2007, accused-appellant, through counsel, signified that he was no longer filing a supplemental brief. Thus, the issues raised in accused-appellant's Brief dated February 3, 2003 are now deemed

adopted in this present appeal:

I

That the lower court gravely erred in not giving weight and credit [to] the immediate report by the accused-appellant of having seen the rape-victim engaging in sexual congress with a young man on the date and time in question.

II

That the lower court committed reversible error by relying totally on the testimony of the complainant [despite] attendant facts and circumstances rendering her as an incredible witness-victim.

III

That the lower court erred in faulting the accused for not presenting during the trial Jeffrey Manalo, the sexual partner of the rape-victim seen by the accused in their consensual sexual affair.

IV

That the lower court gravely erred in adjudging the appellant guilty beyond reasonable doubt [despite] the foregoing assigned errors vis-à-vis the credible evidence of the defense negating moral certainty of his conviction.[13]

In essence, the issues involve the credibility of the complaining witness and the veracity of accused-appellant's defense.

This Court's Ruling

The appeal has no merit.

In an attempt to discredit complainant's testimony, accused-appellant alleges that complainant's narration of the crime is full of improbabilities. He faults complainant for not having scratches or physical evidence of resistance that would support her claim that she was sexually attacked. He further questions complainant for not exhibiting emotional trauma consistent with being raped. He thus maintains that he was merely implicated by complainant because he alerted the school personnel about her indecent act with her schoolmate.

Accused-appellant's arguments deserve scant consideration. Infliction of physical injury is not an essential element of rape.[14] Under Article 266-A of the Revised Penal Code, the gravamen of rape is carnal knowledge of a woman through force, threat, or intimidation against her will or without her consent. What is imperative is that the element of force or intimidation be proven;[15] and force need not always produce physical injuries.[16] Notably, force, violence, or intimidation in rape is a relative term, depending on the age, size, strength, and relationship of the parties.[17]

In this case, the prosecution was able to establish that accused-appellant employed sufficient intimidation in order to satisfy his lust against complainant. In her testimony, complainant stated that accused-appellant dragged her into a forested area with a knife pointed on her neck. As correctly observed by the trial court, complainant submitted to the will of accused-appellant because of fear for her life, thus:

[AAA] was helpless against him because he poked a knife at her and threatened to kill her. Fear so overcame her that she could only submit to his lust. The Court is not surprised that [AAA] did not put up a tenacious resistance for how could she fight off the accused who stands more than six feet tall and of heavy built, not to mention that he was armed with a knife. She saw in him a ferocious ogre ready to attack his prey. She found no chance of fighting him off. There was no one around to seek help from.[18]

Moreover, complainant could not be faulted for initially concealing the truth from her schoolmates and teacher as she was, at that time, still overcome by shock and fear. It must be emphasized that there is no standard form of reaction for a woman, much more a minor, when confronted with a horrifying experience such as a sexual assault.[19] The actions of children who have undergone traumatic experience should not be judged by the norms of behavior expected from adults when placed under similar circumstances.[20]

The trial and appellate courts correctly assessed that complainant's testimony is credible; and accused-appellant has not shown any ground to make us rule otherwise. Unless it is shown that certain facts of substance and value have been plainly overlooked, misunderstood, or misapplied, the trial court's finding of credibility shall prevail.[21]

We now rule on accused-appellant's defense. Accused-appellant maintains that the trial and appellate courts should have given credence to his report that he had caught complainant having sex with her schoolmate, and that the presence of his boils made it impossible for him to engage in sexual intercourse.

We are not persuaded. The fact that accused-appellant remained in the area where the crime took place and reported an alleged misconduct committed by complainant does not indicate his innocence. As the appellate court observed, this does not establish the impossibility of accused-appellant's presence in the crime scene, much more of having committed the crime. Moreover, militating against his alleged inability to have sexual intercourse is the testimony of his own physician-witness who categorically stated that sexual intercourse was possible despite the presence of boils near the groin.[22]

Thus, weighed against the positive and unequivocal statements of complainant, accused-appellant's bare denial and alibi cannot stand. To stress, when the offended party is a young and immature girl between the ages of 12 to 16, as in this case, courts are inclined to give credence to her version of the incident, considering not only her relative vulnerability but also the public humiliation to which she would be exposed by a court trial if her accusation were untrue.[23]

As regards the award of damages, we note that the trial court correctly awarded PhP 50,000 as moral damages. The award of moral damages is automatically granted without need of further proof, it being assumed that a rape victim has actually suffered moral damages entitling the victim to such award.[24] However, the trial court failed to award civil indemnity and exemplary damages. The award of civil indemnity of PhP 50,000, which is in the nature of actual or compensatory damages, is mandatory upon a conviction for rape.[25] Exemplary damages, on the other hand, is awarded when the crime is attended by an aggravating circumstance;[26] or as in this case, as a public example, in order to protect young children from molestation by perverse elders.[27] The award of PhP 25,000 as exemplary damages in the case at bar is proper.

WHEREFORE, the Court AFFIRMS the March 31, 2006 Decision of the CA in CA-G.R. CR-H.C. No. 01951 with MODIFICATIONS to read as follows:

WHEREFORE, his guilt having been established and proven beyond reasonable doubt for the crime of rape under Republic Act No. 8353, the Court hereby sentences the accused Reynaldo Teczon y Pascual to suffer the penalty of reclusion perpetua, and to indemnify the complainant the amount of PhP 50,000 as moral damages, PhP 50,000 as civil indemnity, PhP 25,000 as exemplary damages, and to pay the costs.

SO ORDERED.

Quisumbing, (Chairperson), Carpio Morales, Tinga, and Brion, JJ., concur.

[1] Rollo, pp. 3-26. Penned by Associate Justice Mariano C. Del Castillo and concurred in by Associate Justices Conrado M. Vasquez, Jr. and Magdangal M. De Leon.

[2] CA rollo, pp. 22-37. Penned by Judge Marivic Balisi Umali.

[3] In accordance with Republic Act No. 9262, otherwise known as the Anti-Violence Against Women and Their Children Act of 2004 and its implementing rules, the real name of the victim is withheld; instead, a fictitious initial is used to represent her to protect her privacy. See *People v. Cabalquinto*, G.R. No. 167693, September 19, 2006, 502 SCRA 419.

[4] Rollo, p. 5.

[5] *Id.* at 5-6.

[6] *Id.* at 6.

[7] *Id.* at 7.

[8] CA rollo, p. 26.

[9] *Id.* at 8.

[10] *Id.* at 29.

[11] *Id.* at 37.

[12] G.R. Nos. 147678-87, July 7, 2004, 433 SCRA 640.

[13] CA rollo, p. 74. Original in capital letters.

[14] *People v. San Antonio, Jr.*, G.R. No. 176633, September 5, 2007, 532 SCRA 411, 429; *People v. Sonido*, G.R. No. 148815, July 7, 2004, 433 SCRA 689, 714; *People v. Boromeo*, G.R. No. 150501, June 3, 2004, 430 SCRA 533, 546.

[15] *People v. Baylen*, G.R. No. 135242, April 19, 2002, 381 SCRA 395, 403; *People v. De Guzman*, G.R. No. 132071, October 16, 2000, 343 SCRA 267, 275.

[16] *People v. Malones*, G.R. Nos. 124388-90, March 11, 2004, 425 SCRA 318, 335.

[17] *San Antonio, Jr.*, *supra* at 428-429; *People v. Barcena*, G.R. No. 168737, February 16, 2006, 482 SCRA 543, 554; *People v. Antonio*, G.R. No. 157269, June 3, 2004, 430 SCRA 619, 625.

[18] CA rollo, p. 33.

[19] *San Antonio, Jr.*, *supra* at 428; *Antonio*, *supra* at 626.

[20] *People v. Tonyacao*, G.R. No. 134531-32, July 7, 2004, 433 SCRA 513, 529; *People v. Malones*, *supra* at 336-337; *People v. Montes*, G.R. Nos. 148743-45, November 18, 2003, 416 SCRA 103, 112; *People v. Montemayor*, G.R. No. 124474 & 139972-78, January 28, 2003, 896 SCRA 159, 173.

[21] *People v. Corpuz*, G.R. No. 168101, February 13, 2006, 482 SCRA 435, 445; *People v. Dimaano*, G.R. No. 168168, September 14, 2005, 469 SCRA 647, 658; *People v. Macapal, Jr.*, G.R. No. 155335, July 14, 2005, 463 SCRA 387, 400.

[22] CA rollo, pp. 18-19.

[23] *People v. Suarez*, G.R. Nos. 153573-76, April 15, 2005, 456 SCRA 333, 343; citing *People v. Alberio*, G.R.

No. 152584, July 6, 2004, 433 SCRA 469, 478; *People v. Pacheco*, G.R. No. 142887, March 2, 2004, 424 SCRA 164, 174-175; *People v. Pascua*, G.R. Nos. 128159-62, July 14, 2003, 406 SCRA 103, 109.

[24] *People v. Cayabyab*, G.R. No. 167147, August 3, 2005, 465 SCRA 681, 693.

[25] *Dimaano*, *supra* at 669.

[26] Civil Code, Art. 2230.

[27] *People v. Mantis*, G.R. Nos. 150613-14, June 29, 2004, 433 SCRA 236, 250.

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