

PEOPLE OF THE PHILIPPINES, APPELLEE, VS. RAYMOND BATIANCILA Y MORALDE, APPELLANT.

G.R. NO. 174280. January 30, 2007

Ponente: YNARES-SANTIAGO, J.

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YNARES-SANTIAGO, J.

For review is the Decision[1] of the Court of Appeals (CA) in CA-G.R. CR.-H.C. No. 00838, which affirmed in toto the March 3, 2004 Decision[2] of the Regional Trial Court of Quezon City (RTC-QC), Branch 86 in Criminal Case No. Q-02-110479, finding Raymond Batiancila y Moralde guilty beyond reasonable doubt of the crime of rape.

The facts of the case are as follows:

On June 30, 2002, then 12-year-old private complainant XYZ[3] was alone in their house in Quezon City when appellant Raymond Batiancila, known to her as “Kuya Bonbon,” came by to watch television. After an hour, appellant summoned XYZ to go inside her mother’s bedroom. Once inside, he suddenly held XYZ’s hands above her head, pushed her against the wall, and began to undress her. XYZ tried to resist, but appellant threatened to kill her and her mother. Appellant then proceeded to remove his pants and briefs, inserted his penis into her vagina, and had sexual intercourse with her while standing up.

After the sexual intercourse, XYZ went to the house of her relative, AAA, and narrated what Batiancila did to her. Thereafter, XYZ’s mother and aunt brought her to the police who referred them to Camp Crame for medical examination.

P/Sr. Inspector Filemon C. Portciuncula, a medico-legal officer at the PNP Crime Laboratory examined XYZ at about 10:20 p.m. of June 30, 2002;[4] the pertinent portion of his initial report reads:

FINDINGS: Genital: Hymen with presence of shallow flesh bleeding laceration at 4 o’clock and deep fresh bleeding laceration at 6 o’clock positions. Posterior fourchette is congested.

CONCLUSION: Findings are compatible with recent loss of virginity. There are no external signs of application of any form of trauma.[5]

That same night, Batiancila was arrested and brought to the precinct for investigation. At the police station, he asked forgiveness from BBB, the mother of the victim.[6]

On July 1, 2002, Batiancila was charged with Rape, in relation to Section 5(a), Art. III of Republic Act No. 7610,[7] in an Information[8] that reads:

That on or about the 30[th] day of June, 2002 in Quezon City, Philippines, the above-named accused, with lewd design with force and intimidation did then and there willfully, unlawfully and feloniously commit acts of sexual abuse upon the person of XYZ, a minor, 12 years old, have carnal knowledge with her against her will and without her consent, which act debase degrades or demeans the intrinsic worth and dignity of said XYZ as

a human being, to the damage and prejudice of the said offended party.

CONTRARY TO LAW. [9]

Batiancila pleaded not guilty to the offense charged.[10]

In due course, the trial court rendered judgment convicting Batiancila thus:

WHEREFORE, premises considered, judgment is hereby rendered finding the accused Raymond Battiancila y Moralde [sic] guilty beyond reasonable doubt of the crime of rape and hereby sentences him to suffer the penalty of reclusion perpetua, and to pay the victim the amount of P50,000.00 as civil indemnity, plus moral damages in the amount of P50,000.00, plus costs.

SO ORDERED.[11]

In view of the penalty imposed, the case was elevated to this Court for automatic review. However, pursuant to our ruling in *People v. Mateo*, [12] the case was transferred to the Court of Appeals which rendered the assailed Decision dated January 31, 2006, affirming the trial court in toto; hence, the instant appeal.[13]

Appellant prays for his acquittal based on reasonable doubt. He avers that there was no evidence of his alleged use of irresistible force and serious intimidation as he had no weapon to threaten XYZ with during the afternoon of the alleged rape, and that there was no evidence showing the resistance of XYZ as there were no torn clothes to prove any struggle between the two of them. These, according to Batiancila, show that XYZ actually had consensual intercourse with him for they were then sweethearts.[14]

The appeal is bereft of merit.

It is worthy to recall the three guiding principles in rape prosecutions. First, an accusation for rape is easy to make, difficult to prove, and even more difficult to disprove. Second, in view of the intrinsic nature of the crime, the testimony of the complainant must be scrutinized with utmost caution. Third, the evidence of the prosecution must stand on its own merits and can not draw strength from the weakness of the defense.[15]

When a woman, more so if she is a minor, says that she has been raped, she says in effect all that is necessary to show that rape was committed. Youth and immaturity are generally badges of truth and sincerity.[16] Also, in a long line of cases, we have held that if the testimony of the rape victim is accurate and credible, a conviction for rape may issue upon the sole basis of the victim's testimony because no decent and sensible woman will publicly admit being a rape victim and thus run the risk of public contempt unless she is, in fact, a rape victim.[17]

In the instant case, we agree with the trial court's finding that XYZ's narration of her ordeal was clear, straightforward, and sincere; thus giving no reason to suspect the truthfulness of her testimony. XYZ candidly identified her rapist,[18] vividly depicted the abhorrent acts done to her, and described the threats made by the accused:

On direct testimony –

Q. You said you entered the room, so what happened when you entered the room?

A. He undressed me.

Q. Who is this "he" that you are referring to?

A. Kuya Bonbon.

x x x x

Q. When he undressed you, what happened next?

A. He held my hand.

Q. How did he hold your hand?

A. He raised my hand.

Q. Can you show us how he did this, how he raised your hand?

A. Witness demonstrating by raising both hands crossed on the wrist (sic), raised up to the head.

Q. Is it only up to the head?

A. He still raised it a little higher.

Q. Did you try to resist when he held your hands?

A. Yes, Ma'am.

Q. Why did you do this?

A. So I can escape.

Q. Were you able to escape?

A. No Ma'am.

Q. Why were you not able to escape?

A. I was already afraid.

Q. Why were you scared, XYZ?

A. Because of what he said.

Q. What did he say?

A. That he will kill me.

Q. Did you believe him when he said that?

A. Yes, Ma'am.

Q. So you said that he held your hands (sic) above your head and you were not able to escape, what happened after that?

A. He removed my pants.

Q. And then what happened?

A. He removed also my panty.

Q. What happened after that?

A. He removed his pants.

Q. And then what happened after that?

A. He also removed his brief (sic).

Q. What happened after that?

A. He inserted his private part to my private part.

Q. Did he say anything during the time he did it?

A. Yes, Ma'am.

Q. What did he say?

A. That I shall not report.

Q. Did he (sic) say anything?

A. None, Ma'am.

Q. Why did you not say anything?

A. I was very afraid.

Q. Did you believe him when he said that he will kill you?

A. Yes, Ma'am.

Q. After it happened, what did he do?

A. He left the room.

Q. What did you do after what happened?

A. I went to the comfort room.

Q. And then what happened after that?

A. I went to AAA.[19]

On cross examination –

Atty. Carag:

While he was taking of (sic) your pants, what did you do?

A. I was resisting.

Q. Could you describe to us how did you resist?

A. I said, "release me."

Q. You didn't push him?

A. I pushed him.

Atty. Carag:

What particular part of his body, if you recall, did you push him?

A. His hand, so I could be released.

Q. What did he do after you offered resistance?

A. Nothing.

Q. You did not shout?

A. He threatened me.

Q. How did he threaten you?

A. That he will kill me and my mommy.[20]

Indeed, the assignment of values to the testimony of a witness is virtually left, almost entirely, to the trial court which has the opportunity to observe the demeanor of the witness at the stand. Unless there are substantial matters that might have been overlooked or discarded, the findings of credibility by the trial court will not generally be disturbed on appeal.[21] In the instant case, we find nothing in the records which warrants a departure from the findings of the trial court.

It is of no moment that Batiancila was not armed when he raped XYZ. 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.[22] Records show that XYZ was only 12 years old when she was raped by Batiancila who was 21 years old. Understandably, a girl of such young age could only cower in fear and yield into submission to such an adult, more especially so as he is her cousin who has moral ascendancy over her. Rape, after all, is nothing more than a conscious process of intimidation by which a man keeps a woman in a state of fear and humiliation.

Thus, it is not even impossible for a victim of rape not to make an outcry against an unarmed assailant.[23]

It is also well settled that physical resistance need not be established in rape when intimidation is exercised upon the victim and the latter submits herself against her will to the rapist's advances because of fear for her life and personal safety.[24] Besides, physical resistance is not the sole test to determine whether a woman involuntarily succumbed to the lust of an accused. Rape victims show no uniform reaction. Some may offer strong resistance while others may be too intimidated to offer any resistance at all.[25] Thus, the law does not impose a burden on the rape victim to prove resistance. What needs only to be proved by the prosecution is the use of force or intimidation by the accused in having sexual intercourse with the victim.[26]

Appellant insists that he and XYZ were lovers and that the intercourse was consensual. He recounts that on June 30, 2002, XYZ willingly raised her hands so as to facilitate the consummation of their sexual congress. Moreover, he claims that he and XYZ consummated the sexual act while standing because they enjoy the thrill and pleasure of such position.

We find these claims unbelievable and unworthy of credence. XYZ was only 12 years old at the time of the rape and was inexperienced in the ways of the world. In fact, the medical examination revealed that she was a virgin prior to the rape. All these indicate that XYZ could not have known the sexual know-how or have sexual preferences as imputed by Batiancila.

We also agree with the trial court that the "sweetheart story" was a mere concoction of Batiancila in order to exculpate himself from criminal liability. Defense witness Jojo Magallanes claims that he learned that Batiancila and XYZ were already sweethearts months prior to the rape; thus he was not surprised when he saw XYZ sitting on the lap of Batiancila on June 30, 2002.[27] However, the rest of Magallanes' testimony contained a lot of inconsistencies as to important facts,[28] thus reflecting negatively on his credibility and biased motives.

Aside from Batiancila's claim and Magallanes' unreliable testimony, no other convincing evidence substantiated the alleged romantic relationship between the former and XYZ. In *People v. Venerable*,[29] we held that the sweetheart theory of the accused was unavailing and self-serving where he failed to introduce love letters, gifts, and the like to attest to his alleged amorous affair with the victim.[30] The defense cannot just present testimonial evidence in support of the theory that the accused and the victim were sweethearts; independent proof is necessary, such as tokens, mementos, and photographs.[31]

This Court is convinced beyond reasonable doubt that appellant committed the crime of rape by having carnal knowledge of XYZ using force and intimidation; thus the trial court properly imposed upon him the penalty of reclusion perpetua.[32]

Anent the award of damages, the trial court correctly awarded P50,000.00 as civil indemnity and P50,000.00 as moral damages. Civil indemnity is in the nature of actual and compensatory damages, and is obligatory upon conviction of rape. As to moral damages, it is automatically awarded to rape victims without the necessity of proof, for it is assumed that she suffered moral injuries entitling her to such award. This award is separate and distinct from civil indemnity.[33]

WHEREFORE, the Decision of the Court of Appeals in CA-G.R. CR.-H.C. No. 00838 affirming the judgment of Branch 86, Regional Trial Court of Quezon City, in Criminal Case No. Q-02-110479, finding Raymond Batiancila y Moralde guilty beyond reasonable doubt of the crime of rape, sentencing him to suffer the penalty of reclusion perpetua, and ordering him to pay the victim the amount of P50,000.00 as civil indemnity and P50,000.00 as moral damages is AFFIRMED.

SO ORDERED.

Austria-Martinez, Callejo, Sr., and Chico-Nazario, JJ., concur.

[1] Rollo, pp. 3-17; penned by Associate Justice Fernanda Lampas Peralta and concurred in by Associate Justices Josefina Guevara-Salonga and Sesonando E. Villon.

[2] Records, pp. 112-118; penned by Judge Teodoro A. Bay.

[3] Pursuant to Section 44 of Republic Act No. 9262 (R.A. No. 9262), otherwise known as the Anti-Violence Against Women and Their Children Act of 2004, and Section 63, Rule XI of the Rules and Regulations Implementing R.A. No. 9262, the real name of the child-victim is withheld to protect his/her privacy. Fictitious initials are used instead to represent him/her. Likewise, the personal circumstances or any other information tending to establish or compromise his/her identity, as well as those of his/her immediate family or household members shall not be disclosed; *People v. Cabalquinto*, G.R. No. 167693, September 19, 2006.

[4] TSN, February 12, 2003, p. 5.

[5] Records, p. 10.

[6] CA rollo, p. 36.

[7] R.A. No. 7610 (1992): Special Protection of Children Against Abuse, Exploitation and Discrimination Act.

[8] Criminal Case No. Q-02-110479.

[9] Records, p. 1.

[10] *Id.* at 13.

[11] *Id.* at 118.

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

[13] CA rollo, pp. 133-135.

[14] *Id.* at 114-116.

[15] *People v. Celis*, 375 Phil. 491, 503-504 (1999).

[16] *People v. Antivola*, G.R. No. 139236, February 3, 2004, 421 SCRA 587, 596.

[17] *People v. Mendoza*, 354 Phil. 177, 188 (1998).

[18] TSN, March 19, 2003, p. 7.

[19] *Id.* at 7-9.

[20] TSN, May 13, 2003, pp. 8-9.

[21] *People v. Garcia*, 431 Phil. 485, 495 (2002).

[22] *People v. Barcena*, G.R. No. 168737, February 16, 2006, 482 SCRA 543, 554.

[23] *Id.*

[24] *People v. Moreno*, 425 Phil. 526, 538 (2002).

[25] *People v. David*, G.R. Nos. 121731-33, November 12, 2003, 415 SCRA 666, 681.

[26] *People v. Moreno*, supra note 24.

[27] TSN, July 22, 2003, p. 3.

[28] *Id.* vis-à-vis TSN July 15, 2003, p. 11; TSN, July 22, 2003, p. 6 and TSN August 27, 2003, p. 2 vis-à-vis TSN September 24, 2003, pp. 4-7.

[29] 352 Phil. 623 (1998).

[30] *Id.* at 632.

[31] *People v. Turco, Jr.*, 392 Phil. 498, 514 (2000).

[32] REVISED PENAL CODE, Art. 266-B.

[33] *People v. Bang-ayan*, G.R. No. 172870, September 22, 2006.

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