

PEOPLE OF THE PHILIPPINES, APPELEE VS. LEONEL PASAOL PALAC ALIAS JOY-JOY TALAC, REY ARGENTILLO AND JOJO VILARDE, ACCUSED.

G.R. No. 175600. April 23, 2008

Ponente: CARPIO MORALES, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-175600/>

CARPIO MORALES, J.:

On appeal is the July 6, 2006 Decision[1] of the Court of Appeals in CA-G.R. CR HC No. 01278 which affirmed with modification the January 3, 2000 Joint Decision[2] of the Regional Trial Court, Branch 116, Pasay City, in the consolidated Criminal Case Nos. 97-9760 to 97-9762, finding Leonel Pasaol Palac alias Joy-Joy Talac (appellant) guilty beyond reasonable doubt of three counts of rape.

Appellant and Rey Argentillo (Argentillo) and Jojo Vilarde (Vilarde)[3] were charged with three counts of rape, they having allegedly conspired to commit the offense one after another on the victim on the same date.

Except for the name of the principal actor and the conspirators, the three Informations[4] thus identically read:

That on or about the 14[th] day of May 1996 in Pasay City, Metro Manila, Philippines within the jurisdiction of this Honorable Court, the above-named accused LEONEL PASAOL PALAC alias Joy Joy Talac, in conspiracy with his co-accused REY ARGENTILLO and JOJO VILARDE, by means of force and intimidation they employed upon the person of one [AAA],[5] a minor, 15 years of age, feloniously lay with and have carnal knowledge of said complainant [AAA] against the latter's will, while the two other acc[u]sed watched and stood guard while waiting for [their] turn to have sexual intercourse with the aforesaid [AAA], to her damage and prejudice.

Appellant's two co-accused remained at-large, hence, the trial court did not acquire jurisdiction over their person. Only appellant thus proceeded to trial. At the time of the commission of the crime on May 14, 2006, the victim, AAA was 15 years old, having been born on May 5, 1981. From the evidence for the prosecution, the following facts are culled.

On May 14, 1996, on the instruction of her mother BBB, AAA accompanied her two cousins to the place of their uncle CCC, who owns two photoshops in Malibay, Pasay City. They arrived at around three o'clock in the afternoon at the small photshop where one Ricky Hintapa (Hintapa), the accused Argentillo and Vilarde were. [6]

As the afternoon wore on, Vilarde advised AAA to spend the night in Pasay as it was not safe to go home that late, and that anyway she does not frequently visit Pasay. Being a cousin of her mother, AAA heeded the advice.[7]

At around 6:00 p.m., AAA's two cousins went to CCC's residence to change clothes, leaving her in the company of Hintapa, Vilarde and Argentillo. At around 9:00 p.m., Vilarde left but returned upon which he handed AAA a plastic full of beverage which she drank. AAA soon felt dizzy and told Vilarde about it. Vilarde thereupon

brought her to the nearby bigger photoshop of CCC where she was told to wait for her cousins.[8]

At the bigger shop were Argentillo and appellant who was a photographer at the shop. Soon AAA felt like falling asleep and her eyelids were dropping, drawing Vilarde to tell her to lie down on a five-foot long sofa.[9]

While lying on the sofa, AAA overheard the three accused discuss whether to have sexual intercourse with her at the sofa or to bring her to a motel. The three chose the first option. She overheard too the three agreeing to take turns in having sexual intercourse with her, appellant instructing Vilarde to be the first.[10]

AAA vaguely saw Vilarde undressing himself in front of her, and while she wanted to fight back, she could not move.[11]

Vilarde soon undressed AAA and put himself on top of her and began kissing her neck in the course of which appellant and Argentillo shouted at him: "Sige ipasok mo na para kami naman ang susunod." AAA then felt Vilarde inserting his penis in and out of her vagina.[12]

After Vilarde, it was the turn of Argentillo to insert his penis into AAA's vagina. While she tried to push him and fight back as her body and vagina were already aching, she was helpless.[13]

After Argentillo was done, appellant allowed AAA to rest. After five minutes, appellant placed himself on top of AAA and kissed her. He thereafter unzipped his pants and inserted his penis into her vagina for about sometime. Appellant then warned her not to report to her mother or she would suffer the same fate of the "chop chop lady." [14]

Exhausted, AAA fell asleep and woke up at 6:00 a.m. the following day or on May 15, 1996, with aching legs. The three accused were no longer there. She cried, dressed up, and discovered that her P30.00 were missing. She repaired to a church and waited until the small photoshop opened and asked P20.00 from Hintapa for her fare in going home to Malabon.[15]

About four months later or in September 1996, AAA's mother BBB learned about the incidents from her sister DDD in Pasay. She thereupon confronted AAA who was forced to tell the truth.

AAA was examined on September 13, 1996 by a medico-legal officer of the National Bureau of Investigation who came out with the following conclusions:

1. No evident sign of extragenital physical injury noted on the body of the subject at the time of examination.
2. Hymen, intact but distensible and its orifice wide (2.5 cm. in diameter) as to allow [sic] complete penetration by an average-sized adult, Filipino, male organ in full erection without producing any genital injury.[16]

Denying the charges, appellant interposed alibi. He claimed that around 10:00 p.m. of May 14, 1996, while he was at the photoshop together with AAA's uncle CCC, he saw AAA with several companions including his co-accused Vilarde and Argentillo partake of Gilbey's gin in front of the photoshop and after the photoshop closed, he and CCC went to CCC's residence where he spent the night; and the next morning, he went back to the photoshop where he briefly chatted with AAA.

Finding appellant guilty as charged, the trial court, in its Joint Decision disposed:

WHEREFORE, this Court finds accused LEONEL PASAOL PALAC alias JOYJOY TALAC, guilty beyond reasonable doubt of the crime of RAPE in Criminal Case Nos. 97-9760, 07-9761 and 97-9762. Accordingly, he is hereby sentenced to suffer an imprisonment of:

- RECLUSION PERPETUA in Criminal Case No. 97-9760;

- RECLUSION PERPETUA in Criminal Case No. 97-9761; [and]

- RECLUSION PERPETUA in Criminal Case No. 97-9762.

Further, said accused is hereby ordered to indemnify [AAA] the sum of P50,000.00 in each case or a total of P150,000.00, by way of moral damages, and to pay the costs of the suit.

The cases against accused Jojo Velarde and Rey Argentillo are hereby ordered archived.[17]

On appeal to this Court, it, pursuant to *People v. Mateo*,^[18] transferred the cases to the Court of Appeals where they were docketed as CA-G.R. C.R. H.C. No. 01278. Appellant faulted the trial court

I

... IN GIVING FULL FAITH AND CREDENCE TO THE TESTIMONY OF [AAA].

II

... IN FINDING ACCUSED-APPELLANT GUILTY BEYOND REASONABLE DOUBT OF THE CRIME OF RAPE.[19]

By Decision of July 6, 2006, the appellate court affirmed, with modification, the decision of the trial court by adding to the moral damages awarded by the trial court civil indemnity and exemplary damages.

In affirming the conviction of appellant, the appellate court held:

Under Article 335 of the Revised Penal Code, as amended by RA No. 7659, rape is committed by having carnal knowledge of a woman who is unconscious. In the present case, [AAA] was not totally unconscious but was only physically helpless to resist or effectively communicate her refusal to the lewd desires of the three accused. She was aware of the fact of repeated sexual assault and the identity of her assailants despite her dizziness and physical weakness. Since complainant was drugged, she was effectively deprived of reason if not effectively rendered unconscious. It has been held that if the ability to resist is taken away by administering drugs, even though the woman may be conscious, having sexual intercourse with her is rape. If the woman's will is affected by the anesthetic so that the connection is had without her consent, though she may be more or less conscious, the act constitutes rape.

Under the same Article, whenever the crime of rape is committed by two or more persons, the penalty shall be reclusion perpetua to death. There being no aggravating circumstances which attended the commission of the offenses, the trial court correctly imposed the penalty of reclusion perpetua for each count.

The award of moral damages in the amount of P50,000.00 for each of the three counts of rape or a total of P150,000.00, is in accord with jurisprudence. Said award is automatically granted in rape cases without need for further proof other than the commission of the crime because mental, physical and psychological trauma are too obvious and already presumed from the fact of rape.^[20] (Italics in the original; underscoring supplied)

In also awarding civil indemnity and exemplary damages to AAA in accordance with the recommendation of the Solicitor General, the appellate court held:

Civil indemnity in rape cases is mandatorily awarded to the complainant without further proof than the fact of rape. Jurisprudence has set the amount thereof at P50,000.00 for each count. We thus award to the victim civil indemnity in the total amount of P150,000.00 for the three counts of rape.

Article 2230 of the New Civil Code provides that in criminal cases, exemplary damages may be imposed when the crime was committed with one or more aggravating circumstances. Though not alleged in the Information, hence, cannot be a basis in fixing the penalty to be meted to purposes of awarding exemplary damages. Here, the aggravating circumstances of "craft" under paragraph 14, Article 14 of the Revised Penal [Code] was

proven by the prosecution. In *People vs. Guy*, the aggravating circumstances of craft was appreciated because the accused in raping his victim resorted to the use of innocent-looking chocolate candies which did not arouse the suspicion of the complainant that they contained deleterious drug that weakened her resistance rendering her incapable of physically and mentally repulsing accused' sexual assault. The appellant herein in conspiracy with VILARDE and ARGENTILLO, hoodwinked [AAA] by giving her a drug-laced beverage which caused her to become dizzy and weakened her resistance. An award of exemplary damages in the amount of P25,000.00 for each count of rape or a total of P75,000.00, is therefore in order. (Emphasis and italics in the original; underscoring supplied)

Thus the appellate court disposed:

WHEREFORE, with the MODIFICATION ordering appellant to pay the victim One Hundred Fifty Thousand pesos (P150,000.00) as civil indemnity and Seventy-Five Thousand pesos (P75,000.00) as exemplary damages as above discussed, the appealed decision is AFFIRMED in all other respects.

SO ORDERED.[21] (Emphasis in the original; underscoring supplied)

The records of the cases were elevated to this Court in view of the Notice of Appeal[22] filed by appellant.

By Resolution of February 19, 2007,[23] this Court required the parties to file their supplemental briefs if they so desire within thirty days from notice. Both the People and appellant manifested that they were no longer filing any supplemental briefs.[24]

The Court finds that no reversible error was committed by the appellate court which analyzed the evidence vis-à-vis the established facts of the cases in arriving at its decision affirming the conviction of appellant.

If the testimony of the victim is credible, natural, convincing, and consistent with human nature and the normal course of things, the accused in a rape case may be convicted solely on that basis.[25] The assessment or evaluation by the trial court of the credibility of the victim's testimony is given primordial consideration. As *People v. Santos* teaches:

... We accord great respect on the findings of the trial court on the credibility of witnesses and their testimonies, for the trial judge observes the behavior and demeanor of the witnesses in court. His evaluation or assessment of the credibility of witnesses and of testimony acquires greater significance in rape cases because from the nature of the offense, the only evidence that can oftentimes be offered to establish the guilt of the accused is the victim's testimony.

Th[e] credibility given by the trial court to the rape victim is an important aspect of evidence which appellate courts can rely on because of its unique opportunity to observe the witnesses, particularly their demeanor, conduct and attitude during the direct and cross-examination by counsel.[26]

In passing on the trial court's evaluation of the testimony of AAA, the appellate court observed:

Finding that her narration of the details of her ravishment was given in a candid, straightforward and positive manner, the trial court gave full credence and probative value to [AAA]'s testimony. Appellant has not come up with any justifiable reason for us to overturn the trial court's findings. He even admitted he knew of no reason that would have impelled [AAA] and her mother to fabricate a tale of fornication, and implicate him as a participant therein. It is also hard to believe that [AAA]'s mother would sacrifice her own daughter, subject her to unnecessary embarrassment and stigma and present her to be the subject of a public trial if she, in fact, has not been motivated by an honest desire to have the real culprit punished.

All told, our own independent scrutiny of the record confirms the trial court's assessment of [AAA]'s credibility. Her declarations are indeed replete with details that bolster the truthfulness of her allegations. xxx[27]

Appellant's harping on the alleged inconsistencies committed by AAA does not persuade. Minor lapses are to be expected when a person is recounting details of a traumatic experience usually too painful and agonizing to recall. Besides, the courtroom atmosphere can affect the accuracy of the testimony and the manner in which a witness answers questions.[28]

The appellate court's following treatment of any inconsistencies in AAA's testimony thus merits approval.

Appellant cites the inconsistencies allegedly committed by [AAA]. Allegedly, during her direct examination, [AAA] testified that it was at "6:00 p.m.," when VILARDE offered her a drink, while in paragraph 6 of her Affidavit, she stated it was at 9:00 p.m. [AAA] also contradicted herself on direct examination when she stated that she knocked at the door of the photo[shop] which was opened by ARGENTILLO, when in paragraph 7 of her [A]ffidavit, she alleged that it was VILARDE who knocked at the door and it was appellant who opened the same.

A circumspect examination of the record shows that when confronted with the foregoing inconsistencies on cross-examination, [AAA] clarified that it was at 6:00 p.m., not 9:00 p.m., when she was offered a drink by VILARDE; and that it was not she but VILARDE who knocked at the door which appellant opened. In any event, inconsistencies on matters that transpired prior to the actual commission of the crime and have no bearing to the elements of the crime charged are not treated as proof of a feigning witness but as hallmark of an unrehearsed testimony. Such minor inconsistencies even guarantee truthfulness and candor and serve to strengthen rather than destroy [AAA]'s credibility.[29] (Underscoring supplied)

AAA's delay in reporting the incident does not affect her credibility as well. The filing of complaints for rape months and even years after their commission may or may not dent the credibility of witness and of testimony, depending on the attending circumstances.[30] In the present cases, the threats that the young AAA received from appellant and his co-accused were enough to cow and intimidate her. Moreover, as the appellate court noted, her experience when she confided her harrowing ordeal taught her that revealing it "could drive away people who may not understand what she had gone through."

As for appellant's alibi, it does not prosper for he failed to prove, with clear and convincing evidence, that he was in a place other than the place of the crime such that it was physically impossible for him to have committed the crime.[31] The photoshop where AAA was raped was only 15 meters away from the Aragon Compound where the house of CCC in which appellant spent the night on the same date of the incidents.[32]

In fine, appellant failed to overcome the prosecution evidence showing his guilt beyond reasonable doubt.

WHEREFORE, the appeal is DISMISSED.

SO ORDERED.

Quisumbing, (Chairperson), Tinga, Velasco, Jr., and Brion, JJ., concur.

[1]CA rollo, pp. 170-192. Penned by Justice Rebecca De Guia-Salvador with the concurrence of Presiding Justice Ruben T. Reyes (now a member of this Court) and Justice Vicente Q. Roxas.

[2] Records, pp. 192-207.

[3] Sometimes spelled Velarde.

[4] Records, pp. 2-3, 24-25, 49-50.

[5] Following *People v. Cabalquinto*, G.R. No. 167693, September 19, 2006, 502 SCRA 419, the real name of the

victim is withheld and fictitious initials are used instead. And the personal circumstances of the victims or any other information tending to establish or compromise their identities, as well as those of their immediate family or household members, are not disclosed.

[6]TSN, May 20, 1999, pp. 3-5.

[7] Id. at 5.

[8]Id. at 5-6.

[9] Id. at 6-8.

[10] Id. at 8-10.

[11] Id. at 11.

[12] Id. at 11-12.

[13] Id. at 13-14.

[14] Id. at 16-20.

[15] Id. at 20-22.

[16] Records, p. 178.

[17]Id. at 207.

[18] G.R. Nos. 147678-87, July 7, 2004, 4333 SCRA 640.

[19]CA rollo, p. 81.

[20]Id. at 188-189.

[21]Id. at 191.

[22] Id. at 193-195.

[23]Rollo, p. 26.

[24] Id. at 27-33.

[25] People v. Mangitngit, G.R. No. 171270, September 20, 2006, 502 SCRA 560, 572.

[26] G.R. No. 172322, September 8, 2006, 501 SCRA 325,334.

[27] CA rollo, p. 179.

[28] People v. Bon, G.R. No. 166401, October 30, 2006, 506 SCRA 168, 184. Vide People v. Gloria, G.R. No. 168476, September 27, 2006, 503 SCRA 742, 753, where the Court held that "errorless recollection of a traumatic experience of a traumatic and agonizing incident cannot be expected of a witness when she is recounting details of an experience as humiliating and painful as rape. A rapist should not expect the hapless object of his lechery to have `the memory of an elephant and the cold precision of a mathematician.'"

[29] CA rollo, pp. 178-179.

[30] People v. Ricamora, G.R. No. 168628, December 6, 2006, 510 SCRA 514, 526.

[31]Vide People v. Ricamora, supra note 30 at 529-530.; People v. Bidoc, G.R. No. 169430, October 31, 2006,

506 SCRA 481, 497.

[32] CA rollo, p. 186.

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.