

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. RAMON ARIVAN Y FORNILLO, ACCUSED-APPELLANT.

G.R. No. 176065. April 22, 2008

Ponente: CHICO-NAZARIO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-176065/>

CHICO-NAZARIO, J.:

For review is the Decision[1] dated 20 October 2005 of the Court of Appeals in CA-G.R. CR-H.C. No. 01163 which affirmed the Decision[2] dated 9 August 2002 of the Regional Trial Court (RTC) of Quezon City, Branch 107, in Criminal Case No. Q-99-80302, finding herein appellant Ramon Arivan y Fornillo guilty beyond reasonable doubt of the crime of rape committed against AAA.[3]

Appellant Ramon Arivan y Fornillo was charged with raping AAA in a criminal complaint[4] which reads:

The undersigned accuses RAMON ARIVAN Y FORNILLO, of the crime of RAPE, committed as follows:

That [on] or about 31[st] day of December 1998, in Quezon City, Philippines, while [AAA] was looking for her brother, the said [appellant] offered to help her but however brought her to a shanty and while there, by means of force and intimidation, did then and there willfully, unlawfully and feloniously have sexual intercourse with her, against her will and without her consent.[5]

Upon arraignment, the appellant, assisted by counsel de oficio, pleaded NOT GUILTY to the crime charged. The pre-trial conference yielded no positive results, thus, the same was declared closed and terminated. Thereafter, trial on the merits ensued.

The prosecution presented the following witnesses: AAA, the victim; SPO1 Reynaldo Pangilinan (SPO1 Pangilinan), the police officer who apprehended the appellant; Dr. Emmanuel Reyes (Dr. Reyes), Medico-Legal Officer of the Philippine National Police (PNP) Crime Laboratory, Camp Crame, Quezon City, who conducted a physical examination on AAA; and SPO4 Mila Billones (SPO4 Billones), the investigating officer assigned at Police Station 6, Batasan Hills, Quezon City.

AAA testified that in 1996, she was taken by her mother from their house in xxx City to stay in the house of her uncle, CCC and aunt, DDD located at xxx, Barangay xxx, xxx City.[6] Her 17-year old brother, BBB, likewise stayed in said house. AAA admitted that she already stopped schooling[7] and while she was living with her uncle and aunt, she worked as a scavenger and was able to gain friends.[8]

On 31 December 1998, about 11:30 in the evening, AAA went outside the house of her uncle and aunt to look for her brother because it was New Year's Eve and she, her brother, uncle and aunt were supposed to eat together. While she was looking for her brother, the appellant approached and asked her where she was going. When she told him that she was looking for her brother, the appellant offered to help her look for her brother and he even told her that he knew where her brother was.[9] AAA remembered that she had seen the appellant earlier that day talking to her brother. Thinking that the appellant was her brother's friend, she readily agreed to go with him.[10] They walked together and the appellant took her to a place with a hut or shanty located in Payatas, Quezon

City.[11] Upon arrival thereat, both AAA and the appellant crossed the fence. AAA called for her brother three times but no one answered.[12] She got irritated with the appellant for misleading her. She decided to leave the place[13] but appellant held her right hand preventing her from leaving. AAA tried to remove appellant's grip on her hand and she succeeded. But then again, when she was about to go out, the appellant was able to hold her hand and force her to enter the shanty or hut.[14] AAA was not able to shout for help as she was threatened by the appellant that if she would do so, he would kill her brother. The appellant tried to cover her mouth to prevent her from shouting but he did not succeed because she kept on struggling. Despite the appellant's failure to cover her mouth, she was not able to shout as the appellant threatened her again that if she will shout, he will kill her brother. Afraid, she did not shout.[15]

Once inside the hut or shanty, the appellant dragged her to a room where there was a mosquito net. The place was dark. When she turned her head, her forehead hit a hard object, which made her a little bit dizzy.[16] Thereafter, the appellant forced her to lie down and forcibly removed her garterized[17] shorts and panty. She pushed the appellant to prevent him from pulling down her shorts and panty, but her efforts remained futile. The appellant was able to get on top of her, held her two hands outwards and spread her legs. AAA kept on struggling by pushing the appellant away. She struggled to free herself by moving her body from side to side and by crossing her legs, but to no avail. She likewise tried to shout but the appellant covered her mouth. Despite her tenacious resistance, the appellant kept on forcing himself on her and also threatened her that if she would not accede to his lustful desire, he would kill her and her brother. Out of fear, she finally gave in. The appellant then kissed her on the lips and also succeeded in inserting his penis into her vagina and made push and pull movements for several times. She felt pain.[18] After satisfying his lust, the appellant stood up, got dressed and threatened her not to tell anyone what had happened; otherwise, he would kill her, her brother and her aunt. Then, the appellant left. When the appellant left, she also stood up, put on her clothes and went home running and crying.[19]

When AAA reached their house, her uncle saw her and asked her why she was running and crying. She immediately told him that she was raped but she did not know the name of her ravisher. Her uncle told her that they should report the incident to the police.[20] At dawn of 1 January 1999, AAA and her uncle left the house to go to the police station. While waiting for a ride, AAA saw the appellant standing beside a barbeque stand. She immediately pointed to appellant as her malefactor. Her uncle got mad and was about to approach the appellant when a jeepney arrived, which they boarded.[21] They went to a police station in their area; however, since there was no police investigator present thereat, they went to another police station. Not having been attended to as there was also no police investigator present because it was New Year, they then proceeded to Police Station 6, Batasan Hills, Quezon City. It was already 6:00 in the evening when they arrived thereat.[22]

At Police Station 6, she narrated to the police officer what happened to her. After she made her complaint, she stayed at the police station while SPO1 Pangilinan and her uncle, CCC, immediately proceeded to Payatas, the place where the alleged rape incident happened. In Payatas, SPO1 Pangilinan and AAA's uncle saw the appellant walking along the street or near the dumpsite. AAA's uncle immediately pointed the appellant to SPO1 Pangilinan as the person who abused his niece. SPO1 Pangilinan approached the appellant and invited him to go with them to the police station. The appellant voluntarily submitted. The appellant was apprehended on the evening of 1 January 1999. Upon their arrival at Police Station 6, another uncle of AAA was also present. When AAA saw the appellant at the police station, she readily pointed to him as her abuser. And she came to know the name of the appellant when his statements were being taken by the police as she was present thereat. The following day, or on 2 January 1999, AAA, together with her uncle, CCC, went to Camp Crame for her medical examination.[23]

SPO1 Pangilinan corroborated the testimony of AAA that the latter made a complaint at Police Station 6 as regards the alleged rape incident. He likewise affirmed that upon receiving the complaint of AAA, he, together

with AAA's uncle, immediately proceeded to the place where the alleged rape incident happened. And when they arrived at the said place, they saw the appellant walking around. He was able to recognize the appellant as AAA's uncle pointed the appellant to him. He then invited the appellant to go with them at Police Station 6. Upon their arrival at Police Station 6, AAA positively identified the appellant as her malefactor. Thereafter, he turned over the case to SPO4 Billones, the investigator assigned at Police Station 6.[24]

SPO4 Billones testified that on 1 January 1999, she met AAA at Police Station 6. AAA was then accompanied by her uncle, CCC. They reported to her the rape incident that happened to AAA on 31 December 1998 at around 11:30 p.m. After AAA informed her that she was raped, she made a referral for AAA to be examined at the PNP Crime Laboratory in Camp Crame. SPO4 Billones similarly affirmed that on 1 January 1999, when the appellant was brought to their station, AAA was there and she positively identified the appellant as the person who raped her. Thereafter, SPO4 Billones referred the case to the inquest fiscal.[25]

Dr. Reyes declared in court that on 2 January 1999, he met AAA at Medico-Legal Office in Camp Crame. She was brought there by her uncle with a request from Police Station 6, Batasan Hills, for a medico-legal examination[26] as AAA was allegedly raped on 31 December 1998. He conducted an extra-genital examination of AAA's body and found an abrasion on AAA's forehead on the frontal region measuring 0.5 by 3 centimeters. According to him, said abrasion could have been caused by the rubbing of the skin against a hard rough surface object, which was sufficient to cause a scrape. On the examination of AAA's genital organ, he found that there was an abundance of pubic hair; the labia majora, which is the most external portion of the vagina, was full, convex and coaptated. He also found the labia minora with abrasion. He explained that the same ordinarily appears in the vaginal canal even if sexual intercourse occurred in a brutal manner but the woman was stimulated or wet. He likewise found that the hymen of AAA was already remnant, which means that there was a possibility that AAA had previously engaged in sexual intercourse prior to the alleged rape incident. He did not find any laceration in the hymen of AAA and there was also an absence of spermatozoa in AAA's vagina. Dr. Reyes examined AAA about 36 hours after she was allegedly raped. He, however, admitted that his findings jibe with the allegations of AAA. He then concluded that AAA was in a non-virgin state physically. Dr. Reyes reduced into writing the medical examination he conducted on AAA.[27]

For its part, the defense presented the testimonies of the appellant and his brother, Rizaldy Arivan (Rizaldy), to refute the allegations of AAA.

The appellant vehemently denied that he raped AAA. He even claimed that AAA was his girlfriend. He testified that he met AAA for the first time in November, 1998 at the dumpsite in Payatas, Quezon City. He started courting her also in November, 1998 and they became sweethearts beginning December, 1998.

Appellant claimed that on 31 December 1998, at around 9:00 to 10:00 o'clock in the evening, when he was about to go to the church for it was New Year's Eve, he met AAA in the street. Holding each other's hand, they walked going to church. According to the appellant, the church was near his brother's house and it was also in Payatas. On their way to the church, they met some of his friends who were also scavengers, namely: Angelo, Exel, Aldrin and Noli, who was also called "Handsome." He averred that AAA knew his friends because his friends also saw her at the dumpsite. After the mass, which according to the appellant lasted for two hours, or at about 12:00 midnight, he, AAA, and his friends went straight to his brother's house where they ate and lighted some firecrackers. He said that his brother knew that AAA was his girlfriend. Then, at about 1:00 a.m. of 1 January 1999, they left his brother's house and proceeded to Angelo's house. At that time, AAA was still with him. When they arrived at Angelo's house, they ate and talked with Angelo's wife. He claimed that Angelo knew that AAA was his girlfriend. They stayed in Angelo's house until 1:30 a.m. of 1 January 1999.

Thereafter, appellant went to his house, which was only eight houses away. In going to his house, he was with Noli and AAA. His other friends stayed at a party near Angelo's house. In his house, he got his jacket and cap and had them worn by AAA. They stayed in his house for less than 30 minutes. Then, they proceeded to another friend's house, Ver, who was also his neighbor. On the way to Ver's house, they met AAA's brother who told AAA to go home as their grandfather was looking for her. AAA retorted that her brother should not bother with her. When they arrived at Ver's house, Ver's mother was there. Appellant told AAA to go home because he had to attend to something and that he will go somewhere else. AAA kept on following him and Noli. They left Ver's house at around 3:00 a.m. They likewise went to Marlon's house as there was a party near his house. AAA and Noli went to the said party while the appellant stayed at Marlon's house where he and Marlon had a drinking session. After two hours, Noli returned. AAA was left at the said party because she met some acquaintances there. At about 5:30 a.m., appellant and Noli left Marlon's house and instructed AAA to follow them at his house. When they arrived at his house, they likewise drank beer. Excel, also a friend, arrived. At around 6:30 a.m., AAA arrived and ate breakfast with them. After they had their breakfast, AAA's aunt arrived looking for her. AAA motioned to the appellant not to tell her aunt that she was there. The appellant then told AAA's aunt that AAA was not with them. AAA's aunt left. AAA's aunt came back at 8:00 a.m., still looking for her. AAA's aunt did not find her for she was able to run to a neighbor's house through a broken wall. Again, AAA's aunt left angrily. When appellant went inside his house, he was surprised when he did not find AAA. Louie, his neighbor, went to his house and told him that AAA was in their house. He told Louie to tell AAA to just follow him at Aldrin's house. At the latter's house, they drank some beer and sang in the karaoke. AAA followed him there and they stayed there for three hours. Suddenly, AAA's uncle arrived. AAA tried to run but her uncle was able to get hold of her hand and succeeded in pulling her out of the house.

Subsequently, appellant and his companions went home. When he arrived at his house, where the alleged rape incident happened, he went to sleep. Noli, who also lived there, likewise slept. The appellant woke up at around 7:00 p.m. of 1 January 1999. Then, he and Noli had coffee. When he and Noli were about to go to the dumpsite, he was apprehended by the police and by some barangay officials. He asked them why he was being apprehended and was told that he was being accused of raping AAA. He was then brought to Police Station 6, where he was incarcerated for about seven days. He claimed that he and AAA did not have any sexual relation and he did not know any reason why AAA was accusing him of such a grave offense.[28]

Rizaldy, appellant's brother, testified that on 31 December 1998, at around 11:00 p.m. until 1:00 a.m. of 1 January 1999, he was at his house with his family. Suddenly, his brother and his girlfriend, AAA, arrived. After half an hour, appellant's "barkadas" likewise arrived. While eating, he even noticed that his brother and AAA were so sweet to each other to the point of feeding each other. Afterwards, his brother lay down on AAA's lap. His brother, with AAA on his side, later on told him that AAA was the woman whom he will marry. The group stayed in his house for about an hour. Thereafter, they proceeded to one of the appellant's friends.[29]

Rizaldy disclosed that he knew AAA as he always saw her with the appellant at the dumpsite. On 29 October 1998, he asked his brother if he was courting AAA, to which the appellant replied yes. Only on 31 December 1998 did he learn that appellant and AAA were already sweethearts for he saw his brother lie down on the lap of AAA when they were at his house. He admitted that the first time he came to know that there was a complaint filed against his brother was on 2 January 1999. That was also the date when he found out that his brother was brought to the police station. Upon knowing that his brother was already at the police station, he did not do anything. He did not even volunteer to give a statement at the police station to shed light as to what really happened or to help his brother. It was only in the year 2000 that he learned that the case filed against his brother was for rape. He only knew that he was going to testify in court when a subpoena was sent to his house in May, 2001.[30]

On 9 August 2002, the trial court rendered a Decision finding the appellant guilty beyond reasonable doubt of the crime of rape; the dispositive portion of the said Decision reads as follows:

WHEREFORE, IN VIEW OF THE FOREGOING, this Court finds the [appellant], RAMON ARIVAN Y FORNILLO guilty beyond reasonable doubt of the crime of rape. He is hereby sentenced:

- To suffer the penalty of reclusion perpetua. Considering that he has been detained since [2 January 1999], he must be credited in the service of his sentence with the length of time that he has been detained;
- To indemnify [AAA], in the amount of P50,000.00;
- To pay [AAA] moral damages in the amount of P50,000.00; and
- To pay the costs of the suit.[31]

The records of this case were originally transmitted before this Court on appeal. Pursuant to *People v. Mateo*,^[32] the records were transferred to the Court of Appeals for appropriate action and disposition.

In his brief, the appellant's lone assignment of error was: the trial court gravely erred in finding the appellant guilty of the crime charged despite the failure of the prosecution to prove his guilt beyond reasonable doubt.^[33]

The Court of Appeals rendered a Decision on 20 October 2005, affirming the Decision of the RTC.

The appellant filed a Notice of Appeal.^[34] In view thereof, the appellate court forwarded to this Court the records of this case.

On 7 March 2007, this Court resolved^[35] to accept the present case and notify the parties that they may file their respective supplemental briefs, if they so desired. The Office of the Solicitor General manifested that it was adopting its brief dated 27 June 2005 filed before the appellate court, as its supplemental brief.

After a meticulous review of the records, this Court finds no reason to reverse the judgments of the trial court and the appellate court.

A rape charge is a serious matter with pernicious consequences both for the appellant and the complainant; hence, utmost care must be taken in the review of a decision involving conviction of rape.^[36] Thus, in the disposition and review of rape cases, the Court is guided by these principles: First, the prosecution has to show the guilt of the accused by proof beyond reasonable doubt or that degree of proof that, to an unprejudiced mind, produces conviction. Second, the evidence for the prosecution must stand or fall on its own merits and cannot draw strength from the weakness of the evidence of the defense. Third, unless there are special reasons, the findings of trial courts, especially regarding the credibility of witnesses, are entitled to great respect and will not be disturbed on appeal. Fourth, an accusation for rape can be made with facility; it is difficult to prove but more difficult for the person accused, though innocent, to disprove; and fifth, in view of the intrinsic nature of the crime of rape where only two persons are usually involved, the testimony of the complainant must be scrutinized with extreme caution.^[37]

In the case at bar, the appellant argues that the prosecution failed to prove his guilt beyond reasonable doubt. According to him, he could not have perpetrated the act complained of because at the time that the alleged rape incident happened, he and the private complainant were in the company of other persons. This Court finds this argument unmeritorious.

As this Court has repeatedly said, lust is no respecter of time and place and the crime of rape can be consummated even when the malefactor and victim are not alone. In fact, it can be committed in places where people congregate, in parks, along the roadside, within school premises, inside an occupied house, and even in the room

where other members of the family are also sleeping. Its commission is not limited to isolated places.[38]

Moreover, a candid narration by a rape victim deserves credence particularly where no ill motive is attributed to the rape victim that would make her testify falsely against the accused. For no woman in her right mind will admit to having been raped, allow an examination of her most private parts and subject herself as well as her family to the humiliation and shame concomitant with a rape prosecution, unless the charges are true. Where an alleged victim says she was sexually abused, she says almost all that is necessary to show that rape had been inflicted on her person, provided her testimony meets the test of credibility.[39]

The issue of credibility has, time and again, been settled by this Court as a question best addressed to the province of the trial court because of its unique position of having observed that elusive and incommunicable evidence of the witnesses' deportment on the stand while testifying which opportunity is denied to the appellate courts. Absent any substantial reason which would justify the reversal of the trial court's assessments and conclusions, the reviewing court is generally bound by the former's findings, particularly when no significant facts and circumstances were shown to have been overlooked or disregarded which when considered would have affected the outcome of the case.[40] The rule finds an even more stringent application where said findings are sustained by the Court of Appeals.[41]

In this case, no cogent reason can be appreciated to warrant a departure from the findings of the trial court with respect to the assessment of AAA's testimony.

As can be gleaned from the records of the present case, when AAA testified in court, her testimony described in details the hideous experience she suffered on 31 December 1998 in the hands of the appellant. In her narration on the manner of how the appellant took advantage of her, she never wavered in her testimony. The trial court characterized AAA's testimony as straightforward, categorical and candid. Further, during her testimony before the court a quo, she cried[42] whenever she had to recall and narrate what happened to her. The crying of a victim during her testimony is evidence of the truth of the rape charges, for the display of such emotion indicates the pain that the victim feels when asked to recount her traumatic experience.[43] And, as the trial court mentioned in its Decision, AAA exhibited courage and conviction in prosecuting the case. She gladly cooperated with the court a quo during the ocular inspection of the place where the rape incident happened, knowing that she had to go back to see the place where she had been abused by the appellant. Moreso, during AAA's testimony before the trial court, she positively identified the appellant as her ravisher. The straightforward narration of AAA of what transpired, accompanied by her categorical identification of appellant as the malefactor, sealed the case for the prosecution.[44] Also, it was not shown that she had been motivated by any ill desire that would make her testify falsely against the accused. Given the foregoing, it is beyond doubt that AAA's testimony is credible and the prosecution was able to prove the guilt of the appellant beyond reasonable doubt.

The contentions of the appellant that the trial court made a mistake in not believing that he and the private complainant were sweethearts and that they did not engage in any sexual intimacy are likewise unavailing.

This Court is in conformity with the findings of both the trial court and the appellate court that, indeed, the appellant and the private complainant were not sweethearts. The "sweetheart defense" is a much-abused defense that rashly derides the intelligence of the Court and sorely tests its patience. Being an affirmative defense, the allegation of a love affair must be supported by convincing proof. In the present case, other than the appellant's self-serving assertions, there was no support of his claim that he and AAA were lovers. His "sweetheart defense" cannot be given credence in the absence of corroborative proof like love notes, mementos, pictures or tokens, that such romantic relationship really existed.[45] Moreso, as the appellate court stated in its Decision, the following circumstances or actuations of the private complainant immediately after the alleged raped incident belies

appellant's claim of such a relationship, to wit: (1) AAA immediately disclosed to her uncle that she was raped; (2) AAA immediately sought the help of the police authorities in apprehending the appellant; (3) AAA subjected herself to physical examination; (4) AAA outrightly filed the criminal complaint against the appellant; and (5) AAA never knew the name of the appellant until after the appellant's statement was taken at Police Station 6.[46] In addition, the corroborative testimony of Rizaldy that the private complainant and the appellant were sweethearts cannot be given any credit because of his relationship with the appellant. This Court notes that Rizaldy is the brother of the appellant and it is well settled that the testimonies of close relatives and friends are necessarily suspect and cannot prevail over the unequivocal declaration of the complaining witness.[47]

The appellant similarly avers that force and intimidation were not attendant in the case at bar and the requisites for the crime of rape were not proven beyond reasonable doubt.

The law does not impose upon a rape victim the burden of proving resistance, particularly when intimidation is exercised upon the victim and the latter submits herself to the appellant's advances out of fear for her life or personal safety. The test remains to be whether the threat or intimidation produces a reasonable fear in the mind of the victim that if she resists or does not yield to the desires of her attacker, the threat would be carried out. It is thus not necessary for the victim to have resisted unto death or to have sustained physical injuries in the hands of the accused. So long as the intercourse takes place against the victim's will and she submits because of genuine apprehension of harm to her and her family, rape is committed.[48]

Based on the findings of both the trial court and the appellate court, which findings are affirmed by this Court, the testimony of the private complainant clearly proves that the appellant had carnal knowledge of her and the same was done through force and intimidation. It bears emphasis that when the private complainant learned that her brother, BBB, was not in the hut, she decided to leave. The appellant, however, grabbed her right hand and prevented her from leaving. Threatening that he would kill her brother, he dragged her inside the hut where he succeeded in ravishing her. Under the circumstances, she indeed could not do anything but cry in fear. She tried to scream but he prevented her by covering her mouth and threatening to kill her, her brother, aunt, and uncle. That she struggled and resisted is shown by the medical findings that she sustained an abrasion on her forehead measuring 0.5 by 3 centimeters[49] which could have been caused by the rubbing of the skin against a hard rough object. Indeed, force and intimidation were applied by the appellant in order to perpetrate the commission of the crime of rape against AAA.

The medico-legal findings that AAA has a remnant hymen, meaning it was possible that she had engaged in sexual intercourse prior to 31 December 1998, and that no spermatozoa was found on her private organ, do not negate the fact of rape. The same cannot be used to the advantage of the appellant as to exonerate him from the crime charged.

It is well-settled that the rupture of the hymen or vaginal lacerations are not necessary for rape to be consummated. A medical examination is not indispensable in the prosecution of a rape victim. Insofar as the evidentiary weight of the medical examination is concerned, we have already ruled that a medical examination of the victim, as well as the medical certificate, is merely corroborative in character and is not an indispensable element for conviction in rape. What is important is that the testimony of private complainant about the incident is clear, unequivocal and credible, and this we find here to be the case.[50] Further, well-settled is the rule that prior sexual intercourse which could have resulted in hymenal laceration is not necessary in rape cases for virginity is not an element of rape.[51] Hence, it is of no moment that there is a finding that AAA's hymen was remnant.

Similarly, it must be stressed that the absence of spermatozoa in the private complainant's sex organ does not disprove rape. It could be that the victim washed or urinated prior to her examination, which may well explain the

absence of spermatozoa.[52]

In sum, the straightforward testimony of AAA, as well as her unwavering and positive identification of her defiler and tormentor, was sufficient to convict the appellant. Besides, appellant's flimsy and self-serving sweetheart defense and denial were not able to destroy the truthfulness and the credibility of AAA's testimony. As the Court of Appeals stated in its Decision dated 20 October 2005, the defense of the appellant suffers from lack of credible corroboration. Other than his brother, none of those who were allegedly with them at one time or another came forward to support his story. Thus, this Court is convinced that the trial court and the appellate court correctly convicted the appellant of the crime of rape,[53] which is punishable by reclusion perpetua.[54]

As to damages. This Court affirms the award of P50,000.00 as civil indemnity given by the lower courts to the victim. Civil indemnity, which is actually in the nature of actual or compensatory damages, is mandatory upon the finding of the fact of rape.[55]

Moral damages in rape cases should be awarded without need of showing that the victim suffered trauma of mental, physical, and psychological sufferings constituting the basis thereof. These are too obvious to still require their recital by the victim at the trial, since we even assume and acknowledge such agony as a gauge of her credibility.[56] Thus, this Court finds the award of moral damages by both lower courts in the amount of P50,000.00 proper.

WHEREFORE, premises considered, the Decision of the Court of Appeals in CA-G.R. CR-H.C. No. 01163 dated 20 October 2005 finding herein appellant guilty beyond reasonable doubt of the crime of rape is hereby AFFIRMED in toto. Costs against appellant.

SO ORDERED.

Ynares-Santiago, (Chairperson), Austria-Martinez, Nachura, and Reyes, JJ., concur.

[1] Penned by Associate Justice Jose Catral Mendoza with Associate Justices Jose L. Sabio, Jr. and Arturo G. Tayag, concurring, rollo, pp. 3-14.

[2] Penned by Judge Rosalina L. Luna Pison; CA rollo, pp. 43-61.

[3] This is pursuant to the ruling of this Court in *People of the Philippines v. Cabalquinto* (G.R. No. 167693, 19 September 2006, 502 SCRA 419), wherein this Court resolved to withhold the real name of the victim-survivor and to use fictitious initials instead to represent her in its decisions. Likewise, the personal circumstances of the victims-survivors or any other information tending to establish or compromise their identities, as well as those of their immediate family or household members, shall not be disclosed. The names of such victims, and of their immediate family members other than the accused, shall appear as "AAA," "BBB," "CCC," and so on. Addresses shall appear as "xxx" as in "No. xxx Street, xxx District, City of xxx."

The Supreme Court took note of the legal mandate on the utmost confidentiality of proceedings involving violence against women and children set forth in Sec. 29 of R.A. No. 7610, otherwise known as Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act; Sec. 44 of R.A. No. 9262, otherwise known as Anti-Violence Against Women and Their Children Act of 2004; and Sec. 40 of A.M. No. 04-10-11-SC, known as Rule on Violence Against Women and Their Children effective November 15, 2004.

[4] CA rollo, pp. 10-11.

[5] *Id.* at 10.

- [6] TSN, 5 March 1999, pp. 9-10.
- [7] TSN, 26 February 1999, p. 3.
- [8] TSN, 5 March 1999, pp. 10-13.
- [9] TSN, 26 February 1999, pp. 4-7.
- [10] TSN, 19 March 1999, p. 4.
- [11] TSN, 26 February 1999, p. 7.
- [12] TSN, 19 March 1999, pp. 6-7.
- [13] TSN, 5 March 1999, p. 3.
- [14] Id. at 4.
- [15] TSN, 19 March 1999, pp. 7-8.
- [16] TSN, 21 April 1999, pp. 7, 10-11; TSN, 19 March 1999, p. 13.
- [17] TSN, 19 March 1999, p. 12.
- [18] TSN, 26 February 1999, pp. 8-12; TSN, 21 April 1999, pp. 7-9, 15-21, 25-26; TSN, 7 May 1999, pp. 9-10, 14-15.
- [19] TSN, 26 February 1999, pp. 12-13; TSN, 21 April 1999, pp. 24, 26.
- [20] TSN, 26 February 1999, pp. 13-14.
- [21] TSN, 21 April 1999, pp. 27, 32-34.
- [22] Id. at 36-37.
- [23] TSN, 26 February 1999, pp. 13-16; TSN, 21 April 1999, pp. 28-29, 34-35, 38-40.
- [24] TSN, 23 June 1999, pp. 2-6, 12-13.
- [25] TSN, 16 February 2000, pp. 5-10.
- [26] As evidenced by Medico-Legal Report No. M-004-99, Records, p. 122.
- [27] TSN, 6 September 1999, pp. 2-15.
- [28] TSN, 15 August 2000, pp. 2-32; TSN, 22 August 2000, pp. 3-20.
- [29] TSN, 24 May 2000, pp. 3-13.
- [30] TSN, 24 May 2001, pp. 14-25.
- [31] CA rollo, pp. 60-61.
- [32] G.R. Nos. 147678-87, 7 July 2004, 433 SCRA 640.
- [33] CA rollo, pp. 76 and 82.
- [34] Id. at 157.
- [35] Rollo, p. 15.

- [36] People v. Malones, 469 Phil. 301, 318 (2004).
- [37] People v. Lou, 464 Phil. 413, 421 (2004).
- [38] People v. Parcia, 425 Phil. 579, 590 (2002).
- [39] People v. Sampior, 383 Phil. 775, 783 (2000).
- [40] People v. Glabo, 423 Phil. 45, 49-50 (2001).
- [41] People v. Cabugatan, G.R. No. 172019, 12 February 2007, 515 SCRA 537, 547.
- [42] TSN, 26 February 1999, p. 6; TSN, 21 April 1999, p. 19.
- [43] People v. Ancheta, 464 Phil. 360, 371 (2004).
- [44] People v. Macapal, Jr., G.R. No. 155335, 14 July 2005, 463 SCRA 387, 400.
- [45] People v. Rapisora, G.R. No. 147855, 28 May 2004, 430 SCRA 237, 259.
- [46] Rollo, p. 13.
- [47] People v. Opeliña, 458 Phil. 1001, 1014 (2003).
- [48] People v. Musa, 422 Phil. 563, 579 (2001).
- [49] TSN, 6 September 1999, pp. 5-6.
- [50] People v. Lerio, 381 Phil. 80, 88 (2000).
- [51] People v. Cajara, 395 Phil. 386, 396 (2000).
- [52] People v. Balleno, 455 Phil. 979, 987 (2003).
- [53] ART. 266-A. Rape: When and How Committed.-Rape is committed:
- 1) By a man who have carnal knowledge of a woman under any of the following circumstances:
- a) Through force, threat or intimidation;
- x x x. (Revised Penal Code).
- [54] ART. 266-B. Penalties.-Rape under paragraph 1 of the next preceeding article shall be punished by reclusion perpetua. (Revised Penal Code).
- [55] People v. Callos, 424 Phil. 506, 516 (2002).
- [56] People v. Docena, 379 Phil. 903, 917-918 (2000).

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.