

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ARMANDO SAN ANTONIO, JR., ACCUSED-APPELLANT.

G.R. No. 176633. September 05, 2007

Ponente: CHICO-NAZARIO, J.

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CHICO-NAZARIO, J.:

For review is the Decision[1] dated 31 October 2006 of the Court of Appeals in CA-G.R. CR-H.C. No. 01212, which affirmed the Decision[2] dated 19 January 1999 of the Regional Trial Court (RTC) of Makati City, Branch 138, in Criminal Case No. 98-024, finding herein appellant Armando San Antonio, Jr., guilty beyond reasonable doubt of the crime of rape committed against AAA.[3]

Appellant Armando San Antonio, Jr. was charged with raping AAA in an Information[4] which reads:

The undersigned Prosecutor, based on the sworn statement/complaint of AAA, a 14-year old[5] minor, duly assisted by her mother BBB, x x x, accuses ARMANDO SAN ANTONIO, JR. y DELA CRUZ of the crime of RAPE, committed as follows:

That on or about the 12[th] day of December 1997, in the City of Makati, Metro Manila, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, by means of force and intimidation, did then and there willfully, unlawfully and feloniously have carnal knowledge with complainant AAA, against her will and consent. [Emphasis supplied].

Upon arraignment, the appellant, assisted by counsel de parte, pleaded NOT GUILTY to the crime charged. Thereafter, trial ensued.

The prosecution presented the following witnesses: AAA, the victim; Anabel Lopez-Medrano (Ana), the victim's cousin; BBB, the victim's mother; and Dr. Antonio S. Vertido (Dr. Vertido), Medico-Legal Officer of the National Bureau of Investigation. As rebuttal witness, the prosecution offered the testimony of Lydia Sarte (Lydia), AAA's class adviser at Makati High School.

AAA testified that at around 11:00 o'clock in the morning of 12 December 1997, she was in her friend's house located at XXX Street, XXX City[6] as they were discussing the things to be done in school the following day. She stayed there for less than three minutes. Thereafter, she went to the house of her friend's auntie, which was only beside the house of her friend, and stayed there for about three minutes. She then returned to her friend's house where she stayed for only two minutes because she heard a sudden call (a sutsot) coming from the house of her cousin, Ana. She peeped inside and tried to find out who made the said call. But since the lights were off, she went inside the house without knowing that the appellant was there. The appellant was at Ana's house because he was a friend of Ana's husband and he constantly slept there. At such instance, she saw the appellant lying on the wooden bed (papag) remorselessly staring at her. When she was about to leave the said house, appellant pulled her right hand. She tried to remove appellant's grip on her using her left hand,[7] but she failed. Subsequently, appellant dragged her and pushed her to the wooden bed where she fell on her back. Appellant also threatened to punch her if she will not accede to his desire. Then, while on a kneeling position, appellant pinned her right arm at

the back of her head and squeezed her legs with his thighs. He pulled down his “maong” shorts, released her legs and pulled down her cycling shorts and underwear. She banged the wall of the house using her left elbow to get some help, but nobody came.[8] Appellant then placed himself on top of her and succeeded in inserting his penis into her vagina, causing her so much pain. Afterward, she felt something wet came out from appellant’s penis. And while the appellant was still on top of her, Ana arrived and saw them in that position. The appellant stood up and left. She likewise stood up and went home.

Ana corroborated AAA’s testimony that when she went home, coming from the house of her mother, on 12 December 1997, about 10 minutes after 11:00 o’clock in the morning, she saw the appellant lying on top of AAA in the wooden bed. When the appellant saw her, he stood up, wore his shorts and left. AAA also stood up and went out. Ana noticed that AAA was so afraid and teary eyed. She then went out of the house to report the incident to the mother of AAA.

BBB, the mother of AAA, confirmed the testimony of Ana that at about 11:00 o’clock in the morning of 12 December 1997, Ana came to her house and told her that she saw the appellant on top of her daughter, AAA. She immediately asked AAA about it who told her about her horrible experience in the hands of the appellant. AAA was so afraid and in tears when she told her that she was raped by the appellant. She likewise told her mother that she wanted to report the same to the police authorities. Thus, BBB, as well as Ana, accompanied AAA to Precinct 1 of the Makati City Police Station[9] to report the incident.

Dr. Vertido testified that he was the one who conducted the medical examination on AAA with the conclusions, contained in AAA’s Living Case No. MG-97-1691,[10] as follows:

CONCLUSIONS:

- No evident sign of extragenital physical injuries noted on the body of the subject at the time of examination.
- Hymen, intact, distensible and its orifice wide (2.5 cms. in diameter) as to allow complete penetration by an average-sized, adult, Filipino male organ in full erection without producing any hymenal injury.[11] [Emphasis supplied].

Dr. Vertido explained that AAA has a distensible hymen, which means that AAA’s hymen is incapable of being ruptured even if penetrated by the male organ.

On the other hand, the defense presented the testimonies of the following witnesses: the appellant, Francisco Portugal (Francisco), Wendy Cilomen (Wendy), Jacqueline dela Cruz (Jacqueline) and BBB, the victim’s mother, as hostile witness, to testify on the condition of AAA seven or nine months after the rape incident.[12]

Appellant invoked the “sweetheart defense.” He admitted having sexual intercourse with AAA on 12 December 1997, but claimed that the same was consensual as they were sweethearts. He stated that he had known AAA for 10 years because they were neighbors. He started courting her in January 1997, and AAA accepted his offer of love in August 1997. He likewise asserted that AAA gave him a love letter; however, it was lost when his wallet was stolen. He further averred that the sexual intercourse between him and AAA on 12 December 1997 was actually their third time to engage in the sexual act. He professed that the first sexual encounter between him and AAA happened on 27 August 1997, between 8:00-8:30 in the evening in a jeepney parked at the garage of Danarra Condominium, while the second time was on his birthday, 4 September 1997, at around 9:00 p.m., as the same was AAA’s gift to him.[13] He then alleged that on 12 December 1997, at noontime, while he was sleeping at the house of Ana, AAA went inside the house, but, he asked her to leave as he was tired and was about to sleep. AAA left, but she came back. Again, he ordered her to leave. AAA came back for the third time at about 2:00 p.m., and upon her initiative, they engaged in sexual intercourse, with AAA on top of him. He claimed that AAA

was wearing jogging pants at that time.[14] Suddenly, Ana barged in and saw them. He stood up and left.

Wendy Cilomen was presented by the defense to corroborate the testimony of the appellant. She stated that at around 11:00 o'clock in the morning, on 12 December 1997, she saw neither the appellant nor AAA. It was at around 2:00 o'clock in the afternoon, while she was washing clothes in front of the house of her mother, that she saw AAA go inside the house of Ana. When she peeped inside the house, she saw the appellant on top of AAA[15] "as if they were making a baby." However, when she was asked if she knew whether the appellant and AAA were in a relationship, she answered in the negative. The same answer was given by Francisco, one of the witnesses for the defense, when asked if he knew whether AAA was appellant's girlfriend. However, Jacqueline, the other defense witness, testified that the relationship of the appellant and AAA as lovers was a matter of general knowledge in their neighborhood.

To refute the testimony given by the appellant that prior to 12 December 1997, he and AAA had already engaged in sexual intercourse on two occasions, i.e., 27 August 1997 and 4 September 1997, the prosecution presented Lydia, the class adviser of AAA. She testified that on those dates, AAA was still in school because her class schedule[16] was until 8:20 p.m. as shown by the class register.[17] Hence, it was impossible that the appellant had sexual intercourse with AAA on the aforesaid dates. This testimony of Lydia was strengthened by the testimony of AAA when she was called again to the witness stand and declared that she was never courted by the appellant. She further confirmed that she never had sexual intercourse with the appellant on 27 August 1997 and 4 September 1997 for she was in school on those dates. And from her school, it usually took her an hour before she can reach their house.[18]

As a result of the sexual assault, AAA got pregnant and on 1 August 1998[19] or after seven months, she gave birth to a baby boy. According to AAA, the father of her baby was the appellant because of what the appellant did to her.

After trial, the RTC rendered a Decision dated 19 January 1999, finding the appellant guilty beyond reasonable doubt of the crime of rape. The trial court giving credence to the testimonies of the prosecution witnesses, ratiocinated as follows:

The issue in this case is credibility.

x x x x

The testimony of [AAA] is clear and categorical. x x x.

[AAA] was [14] years old when she testified in Court. Her testimony was given in a credible manner, sometimes haltingly but consistent and without gross inaccuracies. It has not been shown that she was motivated by ill-will or bad intention in charging the [appellant]. Her deportment during the time her testimony was being taken still shows traces of youthful innocence but with obvious sadness about her predicament. The Court has observed that during the direct and cross-examination when scandalous matters (sic) or matters which induce pain if remembered were asked, there was marked expression of embarrassment and noticeable anguish on the face of [AAA], which deportment, the Court considered as indication that she was telling the truth. The spontaneity (sic) with which she proceeded to lodge her complaint against the [appellant] with the police barely hours after the commission was also considered by the Court and taken as another indication of truthful narration. On the other hand no fact or circumstance in the narration of [AAA] or in her conduct was observed or made of record which could lead the Court to doubt her testimony.

Given the foregoing findings, the burden to prove his innocence was shifted to the [appellant]. Unfortunately[,] his evidence failed to overturn the facts established by the evidence for the prosecution.

On the claim that he and [AAA] are sweethearts and that they have an understanding (nagkakaunawaan), the

only evidence to support this claim is his word which is self-serving and has little or of no value at all. No letter, picture or other article which indicate amorous relationship was presented in Court. x x x.

x x x x

WHEREFORE, the Court finds the [appellant] Armando San Antonio, Jr. y dela Cruz guilty beyond reasonable doubt of the crime of rape. Applying the scale of penalties provided in Republic Act No. 8353,[20] in relation to Article 63(2) of the Revised Penal Code, there being no mitigating or aggravating circumstance attending the commission of the offense charged, the Court hereby impose upon the [appellant] the penalty of reclusion perpetua. Further following the provisions of Article 345 of the Revised Penal Code, [appellant] is ordered to indemnify [AAA] of the amount of P50,000.00 as and for moral damages. [Appellant] is unmarried, hence he should be further directed to acknowledge the minor child [CCC], and to provide him support which the Court initially set at P1,000.00 per month. Cost de oficio.[21] [Emphases supplied].

The records of this case were originally transmitted to this Court on appeal.

In his brief, appellant's lone assignment of error was: the trial court erred in convicting the accused-appellant of rape.[22]

Pursuant to People v. Mateo,[23] the records of the present case were transferred to the Court of Appeals for appropriate action and disposition.

The Court of Appeals rendered its Decision on 31 October 2006 affirming the Decision of the RTC.

Feeling aggrieved, appellant filed a Notice of Appeal[24] before this Court.

This Court required the parties to simultaneously submit their respective supplemental briefs. Both the Office of the Solicitor General and the appellant manifested that they were adopting their respective briefs filed before the Court of Appeals as their supplemental briefs.

After a careful review of the records of this case, this Court affirms appellant's conviction.

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.[25] 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.[26]

Right off, it is clear that appellant does not deny the sexual intercourse between him and AAA. By way of exculpation, appellant argues that the trial court erred in convicting him of the crime of rape because the complainant has not been raped as the sexual intercourse between him and the complainant was consensual as they were sweethearts. This is specious.

The "sweetheart defense" is a much-abused defense that rashly derides the intelligence of the Court and sorely tests its patience.[27] Being an affirmative defense, it must be established with convincing evidence - by some documentary and/or other evidence like mementos, love letters, notes, pictures and the like.[28] Likewise, the

“sweetheart theory” appellant proffers is effectively an admission of carnal knowledge of the victim and consequently places on him the burden of proving the supposed relationship by substantial evidence. To be worthy of judicial acceptance, such a defense should be supported by documentary, testimonial or other evidence.[29] In this case, however, the appellant failed to discharge this burden. Other than his self-serving assertions, there was no support to 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. Moreover, even the testimonies of the witnesses for the defense, i.e., Francisco and Wendy, proved that, indeed, the appellant and AAA were not lovers. Although the other defense witness, Jacqueline, claimed that the relationship of the appellant and AAA was of general knowledge to the community, she cannot name even a single person who knew of such relationship. We quote the testimonies of Francisco, Wendy and Jacqueline:

Witness: FRANCISCO PORTUGAL, 30 years old, married, jobless, x x x.

Atty. Bargas: We are offering the testimony of this witness your Honor to prove and establish the fact that it was almost of general knowledge within the barangay about the relationship of the complaining witness and the [appellant] as lovers.

x x x x

Q: Do you know the [appellant] in this case Armando SanAntonio, [Jr.]?

A: Yes sir.

Q: Do you also know [AAA]?

A: Yes sir.

x x x x

Q: Do you know of any relationship between Armando and [AAA]?

A: None sir.[30] [Emphasis supplied].

x x x x

Q: Please state your name, age and other personal circumstances?

A: WENDY CILOMEN, 15 years old, single, jobless, x x x.

x x x x

Q: How did you come to know [AAA]?

A: We were schoolmates.

x x x x

Q: How did you come to know [appellant]?

A: When we were in Cavite, we already know each other.

x x x x

Q: Do you know if there is any relation between [AAA] and [appellant] if you know?

A: No, sir.

Cross Examination

Q: She never mentioned to you that [appellant] was courting her?

A: No, sir.

Q: She never mentioned to you that [appellant] was her boyfriend?

A: No, sir.

Q: Did you know if [AAA] had a boyfriend?

A: No, sir.[31] [Emphasis supplied].

x x x x

Witness: JACQUELINE DELA CRUZ, 23 years old, married, housewife, x x x.

x x x x

Q: Did you know at all before [appellant was incarcerated (sic) now detained and facing this trial if he was courting [AAA], is that a public knowledge in the place?

A: Yes, sir.

Q: Do you know that as a matter of fact known in the neighborhood, in the vicinity, in the barangay?

A: Yes, sir.

Cross Examination

Q: Aside from [appellant], can you tell the Honorable Court at least another name, the person who told you that [appellant] is courting [AAA]?

A: Yes, sir.

Q: Who told you?

A: Barkada nila [appellant], sir.

Q: What is the name of the barkada?

A: Hindi ko masabi ang pangalan, sir.[32]

Appellant also avers that the failure of the complainant to shout or make an outcry, despite the fact the he was unarmed, belies the claim of rape.

Case law has it that the failure of the victim to shout or offer tenacious resistance does not make voluntary the victim's submission to the criminal acts of the accused.[33] Not all rape victims can be expected to act conformably to the usual expectations of everyone. Different and varying degrees of behavioral responses are expected in the proximity of, or in confronting, an aberrant episode. It is well-settled that different people react differently to a given situation or type of situation.[34] There is no standard form of reaction for a woman, much more a minor, when facing a shocking and horrifying experience such as a sexual assault. The workings of the human mind placed under emotional stress are unpredictable, and people react differently - some may shout, some may faint, and some may be shocked into insensibility while others may openly welcome the intrusion.[35] In the present case, it is noteworthy that at the time the complainant was raped, she was only 14 years old,[36] while the appellant was already 23 years old, thus, her failure to shout could be attributed to the shock and horror which she

felt as a result of appellant's sexual assault.

Also, at the time that she was raped, appellant threatened to punch her if she will not accede to his desire. It is settled that force or intimidation is not limited to physical force. As long as it is present and brings the desired result, all consideration of whether it was more or less irresistible is beside the point. The force or violence that is required in rape cases is relative; when applied, it need not be overpowering or irresistible. That it enables the offender to consummate his purpose is enough. The parties' relative age, size and strength should be taken into account in evaluating the existence of the element of force in the crime of rape. The degree of force which may not suffice when the victim is an adult, may be more than enough if employed against a person of tender age.[37] Considering the age of the complainant in this case, i.e., 14 years old, she was not in the possession and exercise of sufficient mental capacity to make an intelligent decision of whether to submit herself to sexual intercourse that will bring dishonor to herself and her family. At that age, the offended party was not in the right mind to balance, with deliberation, the good or evil effect of submitting to such sexual act.[38] Hence, the appellant's simple threat of punching her if she will not give in to his bestial desire was enough intimidation to make the complainant succumb to the will of the appellant.

Likewise, appellant's assertion that the complainant has not been raped because the medical examination conducted on the complainant the day after she was allegedly raped showed no sign of any physical injury, deserves scant consideration.

It is well-settled that proof of physical injuries sustained by reason of resistance to the sexual attacker is not an essential element of the crime of rape. It is enough to show that the appellant did succeed in having sexual intercourse with the complainant against her will.[39] Hence, even if a man lays no hand on a woman, if by an array of physical forces he so overpowers her mind that she fails to resist or ceases resistance because of fear or greater harm, the consummation of the sexual act between them is rape.[40] Also, a freshly broken hymen is not an essential element of rape. Even if the hymen of the victim was still intact, the possibility of rape cannot be ruled out. The rupture of the hymen or laceration of any part of the woman's genitalia is not indispensable to a conviction for rape.[41] In the instant case, the medical findings revealed that the hymen of the complainant was still intact despite the sexual intercourse between the appellant and the complainant. Nevertheless, the same does not negate the fact of rape committed by the appellant against the complainant as Dr. Vertido clearly explained that AAA's hymen was characterized as distensible, meaning, AAA's hymen is incapable of being ruptured even if penetrated by the male organ.

Finally, appellant's contention that the testimony of the complainant is not credible, is untenable.

Time and again, we have held that when the decision hinges on the credibility of witnesses and their respective testimonies, the trial court's observations and conclusions deserve great respect and are often accorded finality, unless there appears in the record some fact or circumstance of weight which the lower court may have overlooked, misunderstood or misappreciated and which, if properly considered, would alter the result of the case. The trial judge enjoys the advantage of observing the witness' deportment and manner of testifying, her "furtive glance, blush of conscious shame, hesitation, flippant or sneering tone, calmness, sigh, or the scant or full realization of an oath" - all of which are useful aids for an accurate determination of a witness' honesty and sincerity. The trial judge, therefore, can better determine if such witnesses were telling the truth, being in the ideal position to weigh conflicting testimonies. Unless certain facts of substance and value were overlooked which, if considered, might affect the result of the case, its assessment must be respected for it had the opportunity to observe the conduct and demeanor of the witnesses while testifying and detect if they are lying.[42] The rule finds an even more stringent application where the said findings are sustained by the Court of Appeals.[43]

This Court, upon examining the records of the present case, fully agrees in the findings of both the trial court and the Court of Appeals that the testimony of the complainant is credible. Her testimony on how she was raped by the appellant was characterized by the trial court and affirmed by the appellate court as candid, clear and categorical. The trial court even went on to say that during the direct and cross examination of the complainant, there were marked expressions of embarrassment and noticeable anguish on her face especially when she was asked to recall her painful experience in the hands of the appellant. Likewise the act of the complainant in filing a complaint against the appellant, few hours after the rape incident happened, can be regarded as an indication of a truthful narration that indeed, she was raped by the appellant. It is settled that no woman, least of all a child, would concoct a story of defloration, allow an examination of her private parts and subject herself to public trial or ridicule if she has not, in truth, been a victim of rape and impelled to seek justice for the wrong done to her. Testimonies of child-victims are given full faith and credit, since when a girl says she has been raped, she says in effect all that is necessary to show that rape was indeed committed. Youth and immaturity are generally badges of truth and sincerity.[44] It is also an accepted doctrine that in the absence of evidence of improper motive on the part of the victim to falsely testify against the accused, her testimony deserves credence.[45] And in this case, it was never shown that the complainant had an ill motive in filing a case against the appellant other than seeking justice to what had happened to her.

Moreover, the appellant failed to overturn the credibility of the complainant's testimony. First, the complainant testified that the appellant inserted his penis into her vagina, meaning there was indeed a penetration.[46] The appellant even admitted in his direct examination that his organ penetrated the vagina of the complainant;[47] however, during his cross-examination he claimed that he was not able to insert his penis into the vagina of the complainant because Ana barged in.[48] Second, the complainant had proven during trial that at the time that she was raped by the appellant she was wearing cycling shorts[49] and the same was presented in court as part of the prosecution's evidence.[50] Also, during Ana's testimony, she affirmed that on the day the complainant was raped, the complainant was wearing shorts and not jogging pants.[51] The appellant, on the other hand, insisted that the complainant was wearing jogging pants at the time the rape incident happened.[52] Lastly, the testimony of the complainant that the appellant was the one on top of her was corroborated by the testimony of Ana that when she barged in she saw the appellant on top of the complainant.[53] However, the appellant averred that the complainant was the one on top of him when Ana saw them because it was the complainant who initiated the sexual intercourse.[54] But the said contention of the appellant was belied by the defense's very own witness, Wendy. During Wendy's testimony, she stated that when she peeped inside the house of Ana she saw the appellant on top of the complainant.[55]

Given the foregoing, this Court finds no reason to deviate from the general rule that factual findings of the trial court, more so if affirmed by the Court of Appeals, should not be disturbed on appeal, as they are not clearly arbitrary or unfounded.

Appellant is guilty of simple rape[56] which is punishable by reclusion perpetua.[57]

As regards the award of damages, the appellate court merely affirmed the award of the trial court without any modification. In simple rape, the Court awards P50,000.00[58] as civil indemnity and P50,000.00[59] as moral damages to the rape victim. As the award of moral damages is separate and distinct from the civil indemnity awarded to rape victims, the moral damages cannot take the place of the civil indemnity, which is actually in the nature of actual or compensatory damages, and is mandatory upon the finding of the fact of rape.[60] Hence, this Court also awards an additional amount of P50,000.00, as civil indemnity, to the complainant, apart from the P50,000.00 moral damages already awarded by the lower courts.

It is also proper for the appellate court to require the appellant to support[61] the child, CCC, born from the

appellant's act committed against the complainant.

WHEREFORE, premises considered, the Decision of the Court of Appeals in CA-G.R. CR-H.C. No. 01212 finding herein appellant Armando San Antonio, Jr., GUILTY beyond reasonable doubt of the crime of rape committed against AAA is hereby AFFIRMED with the MODIFICATION that the complainant is also granted civil indemnity in the amount of P50,000.00, in addition to P50,000.00 granted by the lower courts as moral damages. Costs against appellant.

SO ORDERED.

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

[1] Penned by Associate Justice Andres B. Reyes, Jr. with Associate Justices Hakim S. Abdulwahid and Mariflor P. Punzalan-Castillo, concurring; rollo, pp. 3-14.

[2] Penned by Judge Sixto Marella, Jr., CA rollo, pp. 30-48.

[3] This is pursuant to the ruling of this Court in the case of *People of the Philippines v. Cabalquinto*, G.R. No. 167693, 12 September 2006, wherein this Court has 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 Republic Act No. 7610, otherwise known as, Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act; Sec. 44 of Republic Act 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, p. 9.

[5] Records, p. 5.

[6] This is also the address of the victim, AAA.

[7] TSN, 24 February 1998, p. 7.

[8] *Id.* at 8.

[9] TSN, 2 April 1998, p. 2.

[10] Records, p. 6.

[11] *Id.*

[12] TSN, 17 August 1998, p. 35-38.

[13] TSN, 10 August 1998, pp. 8-13, 26.

[14] *Id.* at 30.

[15] TSN, 28 September 1998, p. 13.

- [16] Records, pp. 114-116.
- [17] Id. at 112.
- [18] TSN, 24 August 1998, pp. 6-8.
- [19] Records, p. 113.
- [20] Otherwise known as, “The Anti-Rape Law of 1997.”
- [21] CA rollo, pp. 40-41, 48.
- [22] Id. at 107.
- [23] G.R. Nos. 147678-87, 7 July 2004, 433 SCRA 640.
- [24] CA rollo, pp. 196-197.
- [25] People v. Malones, G.R. Nos. 124388-90, 11 March 2004, 425 SCRA 318, 329.
- [26] People v. Lou, 464 Phil. 413, 421 (2004).
- [27] People v. Rapisora, G.R. No. 147855, 28 May 2004, 430 SCRA 237, 259.
- [28] People v. Bautista, G.R. No. 140278, 3 June 2004, 430 SCRA 469, 490.
- [29] People v. Antonio, G.R. No. 157269, 3 June 2004, 430 SCRA 619, 626.
- [30] TSN, 10 August 1998, pp. 2-3.
- [31] TSN, 28 September 1998, pp. 2, 4-5, 44.
- [32] TSN, 17 August 1998, pp. 17, 27, 34.
- [33] People v. Capareda, G.R. No. 128363, 27 May 2004, 429 SCRA 301, 311.
- [34] People v. Gonzales, G.R. No. 141599, 29 June 2004, 433 SCRA 102, 115.
- [35] People v. Antonio, G.R. No. 157269, 3 June 2004, 430 SCRA 619, 626.
- [36] As proven by her Certificate of Live Birth, records p. 5.
- [37] People v. Antonio, supra note 35 at 624-625.
- [38] Id. at 625.
- [39] People v. Lucban, 379 Phil. 325, 333 (2000).
- [40] People v. Cabuntog, 420 Phil. 137, 151-152 (2001).
- [41] People v. Dimacuha, 467 Phil. 342, 350 (2004).
- [42] People v. Belga, 402 Phil. 734, 742-743 (2001).
- [43] People v. Cabugatan, G.R. No. 172019, 12 February 2007, 515 SCRA 537, 547.
- [44] People v. Dimacuha, supra note 41 at 349.
- [45] People v. Managbanag, 423 Phil. 97, 110 (2001).
- [46] TSN, 12 February 1998, pp. 7-8.

[47] TSN, 10 August 1998, pp. 13-14.

[48] Id. at 30.

[49] TSN, 12 February 1998, p. 6.

[50] Records, p. 67; TSN, 2 April 1998, p. 6.

[51] TSN, 4 May 1998, p. 21.

[52] TSN, 10 August 1998, pp. 13-14.

[53] TSN, 4 May 1998, pp. 6-7.

[54] TSN, 10 August 1998, p. 13.

[55] TSN, 28 September 1998, pp. 10-13.

[56] 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).

[57] ART. 266-B. Penalties. - Rape under paragraph 1 of the next preceeding article shall be punished by reclusion perpetua. (Revised Penal Code).

[58] People v. Biong, 450 Phil. 432, 448 (2003); People v. Invencion, 446 Phil. 775, 792 (2003).

[59] People v. Pagsanjan, 442 Phil. 667, 687 (2002).

[60] People v. Tuada, 419 Phil. 835, 844 (2001).

[61] ART. 345. Civil liability of persons guilty of crimes against chastity.-Persons guilty of rape, seduction or abduction, shall also be sentenced:

1. To indemnify the offended woman.
2. To acknowledge the offspring, unless the law should prevent him from so doing.
3. In every case to support the offspring.
- x x x. (Revised Penal Code).

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