

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. JULIUS TAGUILID Y BACOLOD, ACCUSED-APPELLANT.

G.R. No. 181544. April 11, 2012

Ponente: BERSAMIN, J.

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BERSAMIN, J.:

For resolution is the final appeal of Julius Taguilid y Bacolod from his conviction for rape by the Regional Trial Court (RTC), Branch 106, in Quezon City on April 21, 2006,[1] which the Court of Appeals (CA) affirmed through its decision promulgated on August 16, 2007.[2]

Antecedents

Taguilid was charged in the RTC with rape in relation to Republic Act No. 7610 (Special Protection of Children against Child Abuse, Exploitation and Discrimination Act) under the following information, to wit:

That on or about the 29[th] day of May, 2002, in Quezon City, Philippines, the above-named accused, did then and there willfully, unlawfully and feloniously by means of force and intimidation suddenly entered the bedroom of private complainant,[3] a minor, 12 yrs of age, located at xxx Brgy. Talayan, this City, and once inside, pushed said complainant to lie down, forcibly inserted his finger to her private part, removed her panty and thereafter had sexual intercourse with said offended party, all against her will, and without her consent, which acts further debase, degrade and demean the intrinsic worth and dignity of said private complainant as a human being, to her damage and prejudice.

CONTRARY TO LAW.[4]

The evidence of the Prosecution shows that at about 4:00 pm on May 29, 2002 Taguilid suddenly entered AAA's room while she was resting; that the room was in the third floor of the house owned by her parents and located in Barangay Talayan, Quezon City; that he was a cousin of her mother who had been living with her family in that house since 2000; that upon entering her room, he pushed her down on her back, then inserted his finger in her vagina and later on inserted his penis in her vagina; that she cried and pushed him away, but to no avail; that he next turned her over and penetrated her anus with his penis while in that position; and that she did not shout for help because he threatened to kill her if she did.[5]

At the time of the rape, AAA was 12 years and ten months old, having been born on July 28, 1989.

The Prosecution further established that BBB, AAA's father, was at the time tending to the family store at the ground floor when he decided to go up to the third floor to look for and talk to AAA; that upon reaching her room, he found Taguilid standing by her bed in the act of raising the zipper of his pants, and AAA was on her bed, crying and uttering inaudible words; that BBB saw that her skirt was raised up to her waist, and her panties, though still on her, were disheveled (*wala sa ayos*); and that it seemed to BBB that his sudden appearance in the room had taken Taguilid by surprise, causing the latter to hurriedly leave the room even before BBB could say anything to him.

BBB later on brought his daughter to the United Doctors Medical Center (UDMC) in Quezon City for a medico-legal examination before reporting the matter to the barangay office. He lodged a complaint for rape with the police authorities in order to seek their assistance in the arrest of Taguilid.[6]

The RTC summarized the medico-legal findings on AAA thus wise:

Dr. Jerico Angelito Q. Cordero, 28 years old, physician and a medico-legal officer assigned as Deputy Chief of DNA Analysis Center conducted medical and physical examination upon the victim on May 29, 2002 at 7:50 in the evening. His findings, marked as Exhibit “E” show that under genital category, the hymen is annular with deep healed laceration at 4 and 9 o’clock positions. Under labia minora, it is light brown slightly hypertrophied (increased in size) labia minora; that the fourchette (part of the sex organ located just below the hymen), was abraded, meaning “nagagas or nalagusan” (TSN, September 20, 2002, p. 6). He found out that AAA is in a non-virgin state physically and there are no signs of application of any form of physical trauma. He said that deep-healed laceration means that the injury has healed 5 to 10 days from the time of the injury.[7]

Taguilid denied the accusation. He testified that AAA’s mother was his third cousin; that he lived with AAA’s family because his means of livelihood was playing their drums at birthday parties and fiestas; that on May 28, 2002, he and AAA had an argument after she refused to follow his instruction to wash the dishes; that he whipped her with two sticks of walis tingting, but she retaliated by stabbing his shorts, causing his shorts to fall off; that it was while he was pulling up his shorts and zipping them when BBB suddenly appeared and found him inside her room in that pose; and that he immediately rushed down the stairs, with BBB saying to him: Hintayin mo ako sa ibaba. Pinakain na, pinatulog pa, ahas sa bahay na ito.[8]

Ruling of the RTC

As stated, the RTC pronounced Taguilid guilty of rape, holding:

The Court finds that AAA was actually violated in her own room. The act was already consummated when her father entered her room, looking for her. The accused was putting and zipping up his pant inside the room of the victim who was crying on her bed, hair and dress disheveled, shaken and visibly afraid of the accused. Her panty was on, but “wala sa ayos,” as explained by her father who was shocked to see his daughter on bed with the accused in the act of zipping up his pants. Whipping up a young girl with two sticks of walis tingting would perhaps make her cry but would not certainly make her lie on bed, shaking in fear and uttering words inaudibly. This condition of AAA is a manifestation that she was threatened and forced sexually. Her testimony was firm – she was abused and raped. The accused even used his finger on her vagina before he slipped his penis inside her vagina. The accused also “pinataob” her and did anal sex (TSN, Feb. 7, 2003, pp. 4-7). When asked how many times the accused raped her, she said outrightly, “Ten (10) times” (Ibid).

The testimony of AAA was honest, straightforward and clear. She answered all questions of her ordeal in clearcut language. She mentioned the word “pinataob” to describe the next position the accused assumed to penetrate her anus. Young as she is, her purpose was to unearth the truth – that she was raped by the accused not only on that fateful day of May 29, 2002, but several times before.

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WHEREFORE, in the light of the foregoing, accused JULIUS TAGUILID Y BACOLOD is found GUILTY beyond reasonable doubt of the crime of RAPE and is hereby sentenced to suffer the penalty of RECLUSION PERPETUA.

The accused is further ordered to pay the private complainant the amount of FIFTY THOUSAND PESOS (P50,000) as civil indemnity in consonance with prevailing jurisprudence (People v. Obejaso, 299 SCRA 549; People v. Ibay, 233 SCRA 15); the amount of FIFTY THOUSAND PESOS (P50,000) as moral damages; and the amount of TWENTY FIVE THOUSAND PESOS (P25,000) as exemplary damages.

SO ORDERED.[9]

Ruling of the CA

On appeal, the CA affirmed Taguilid's conviction, decreeing:

WHEREFORE, premises considered, the decision dated April 21, 2006 of the Regional Trial Court, Branch 106 of Quezon City in Criminal Case No. 02-109810 finding accused-appellant Julius Taguilid y Bacolod GUILTY beyond reasonable doubt of the crime of rape is hereby AFFIRMED in toto.

SO ORDERED.[10]

The CA explained its affirmance in the following manner, viz:

In the instant case, we agree with the trial court that the testimony of private complainant should be accorded full faith and credit as it amply supports a finding of guilt on the part of accused-appellant for the commission of the said offense. Indeed, the narration of her ordeal was 'honest, straightforward and clear' and all through her entire testimony she remained firm and steadfast in identifying accused-appellant as the perpetrator of the offense.

On the other hand, accused-appellant can only set up the defense of denial. Denial, although a legitimate defense, is an inherently weak defense that crumbles in the face of positive and categorical identification of the private complainant. Denial, if unsubstantiated by clear and convincing evidence, is a self-serving assertion that deserves no weight in law. As between the positive declaration of the prosecution witness and the negative statement of the accused, the former deserves more credence.

Incidentally, we cannot also help but observe that the weakness of accused-appellant's defense becomes all the more apparent in this appeal considering as to how he is now trying to change his theory as to what had transpired on May 29, 2002. For instance, during the trial of the case, accused-appellant contended that there was no rape but a serious case of misunderstanding between him and the father of the private complainant as his shorts fell as a result of private complainant's retaliation for beating her with walis tingting. On appeal however, a reading of the arguments of the accused-appellant shows that while he still maintains that there was no rape, he avers that the sexual congress was consensual as there was absence of physical struggle or resistance on the part of the private complainant.

Lastly, the absence of 'fresh' lacerations on private complainant's genitalia is not a factor that is conclusively relied upon to establish the non-existence of rape. Indeed, the absence of external signs of physical injuries does not cancel out the commission of rape, since proof of injuries is not an essential element of the crime. In fact, even the absence of fresh lacerations does not preclude the finding of rape.

This holds true in the instant case considering that coupled with the testimony of private complainant on the rape and her identification of the accused-appellant as the culprit therein, the medico-legal report and the medico-legal, Dr. Cordero testified that private complainant is 'in a non-virgin state'. To repeat, proof of injuries is not essential to the crime itself.

Significantly, let it also be emphasized that the gravamen of the offense is [sexual intercourse without consent].

That having been said, we find no reversible error committed by the trial court in convicting accused-appellant of the offense of rape. The records of the case show that the prosecution had satisfactorily proven his guilt beyond reasonable doubt and that he had carnal knowledge of the private complainant against her will through the use of force and intimidation. Such being the case, the trial court correctly imposed the penalty of reclusion perpetua for absent any circumstance that would qualify the rape under the instances enumerated under Sec. 11 of R.A. 7659, the proper imposable penalty is reclusion perpetua.[11]

Issues

Taguilid reiterates his assignment of errors in the CA, namely:

I.

THE TRIAL COURT GRAVELY ERRED IN GIVING FULL WEIGHT AND CREDENCE TO THE HIGHLY INCREDIBLE TESTIMONY OF THE PRIVATE COMPLAINANT AND IN NOT CONSIDERING THE ACCUSED-APPELLANT'S DEFENSE.

II.

THE TRIAL COURT GRAVELY ERRED IN CONVICTING ACCUSED-APPELLANT OF RAPE DESPITE THE PROSECUTION'S FAILURE TO PROVE HIS GUILT BEYOND REASONABLE DOUBT.

III.

THE FINDINGS/PHYSICAL EVIDENCE AS CONTAINED IN THE MEDICO-LEGAL REPORT DOES NOT SHOW AND/OR IS NOT CONSISTENT WITH THE OFFENSE OF RAPE.[12]

Taguilid argues that AAA's testimony on how the rape had happened and how easily he had undressed her indicated that he did not use force and intimidation against her; that her fear of him had been only the product of her imagination; and that her silence during the entire event, and her failure to escape from him or to report his allegedly previous sexual assaults had revealed her having voluntarily consented to the sexual act.[13]

Taguilid submits that the State did not prove that he had any moral ascendancy over AAA; that the age gap between them did not suffice to establish his moral ascendancy over her;[14] and that the medico-legal findings of the hymenal lacerations found on her on the same date of the rape being already healed, not fresh, were inconsistent with rape.[15]

Ruling

The Court affirms the conviction.

First of all, it is basic that findings of the CA affirming those of the RTC as the trial court are generally conclusive on the Court which is not a trier of facts.[16] Such conclusiveness derives from the trial court's having the first-hand opportunity to observe the demeanor and manner of the victim when she testified at the trial.[17] It also looks to the Court that both the RTC and the CA carefully sifted and considered all the attendant circumstances. With Taguilid not showing that the RTC and the CA overlooked any fact or material of consequence that could have altered the outcome if they had taken it into due consideration, the Court must fully accept the findings of the CA.

Secondly, the medico-legal finding made on May 29, 2002 showing AAA's hymenal laceration as "deep-healed" and as having healed "5 to 10 days from the time of (infliction of) the injury" did not detract from the commission of the rape on May 29, 2002. For one, hymenal injury has never been an element of rape, for a female might still be raped without such injury resulting. The essence of rape is carnal knowledge of a female either against her will (through force or intimidation) or without her consent (where the female is deprived of reason or otherwise unconscious, or is under 12 years of age, or is demented).[18] It is relevant to know that carnal knowledge is simply the act of a man having sexual bodily connections with a woman.[19] Thus, although AAA testified on her sexual penetration by Taguilid, the fact that her hymenal injury was not fresh but already deep-healed was not incompatible with the evidence of rape by him. In this regard, her claim that he had previously subjected her to similar sexual assaults several times before May 29, 2002, albeit not the subject of this prosecution, rendered the absence of fresh hymenal injury not improbable even as it showed how the deep-healed laceration might have been caused.

Thirdly, AAA's failure to shout for help although she knew that her father was tending to the family store just downstairs was not a factor to discredit her or to diminish the credibility of her evidence on the rape. She explained her failure by stating that Taguilid had threatened to harm her should she shout. She thereby commanded credence, considering that she was not expected to easily overcome her fear of him due to her being then a minor just under 13 years of age at the time of the rape. Nor would it be reasonable to impose on her any standard form of reaction when faced with a shocking and horrifying experience like her rape at the hands of Taguilid. The Court has recognized that different people react differently to a given situation involving a startling occurrence.[20] Indeed, the workings of the human mind placed under emotional stress are unpredictable, and people react differently - some may shout, others may faint, and still others may be shocked into insensibility even if there may be a few who may openly welcome the intrusion.[21]

There can be no question that the testimony of a child who has been a victim in rape is normally given full weight and credence. Judicial experience has enabled the courts to accept the verity that when a minor says that she was raped, she says in effect all that is necessary to show that rape was committed against her.[22] The credibility of such a rape victim is surely augmented where there is absolutely no evidence that suggests the possibility of her being actuated by ill-motive to falsely testify against the accused.[23] Truly, a rape victim's testimony that is unshaken by rigid cross-examination and unflawed by inconsistencies or contradictions in its material points is entitled to full faith and credit.[24]

And, fourthly, Taguilid's defense at the trial was plain denial of the positive assertions made against him. He then declared that the charge of rape against him resulted from BBB's misunderstanding of what had really occurred in AAA's bedroom just before BBB had appeared unannounced. Yet, such denial was devoid of persuasion due to its being easily and conveniently resorted to, and due to denial being generally weaker than and not prevailing over the positive assertions of both AAA and BBB. Also, Taguilid's explanation of why he was then zipping his pants when BBB found him in AAA's bedroom, that AAA's stabbing had caused his pants to fall off, was implausible without him demonstrating how the pants had been unzipped from AAA's stabbing of him as to cause the pants to fall off. Besides, Taguilid's act of quickly leaving the room of AAA without at least attempting to tell BBB the reason for his presence in her room and near the bed of the sobbing AAA if he had been as innocent as he claimed exposed the shamness and insincerity of his denial.

In this connection, the Court is not surprised that Taguilid changed his defense theory on appeal, from one of denial based on the charge having resulted from a misunderstanding of the situation in AAA's bedroom on the part of BBB to one admitting the sexual congress with AAA but insisting that it was consensual between them. Such shift, which the CA unfailingly noted, revealed the unreliability of his denial, if not also its inanity.

WHEREFORE, the Court AFFIRMS the decision promulgated on August 16, 2007 by the Court of Appeals.

The appellant shall pay the costs of suit.

SO ORDERED.

Corona, C.J., (Chairperson), Leonardo-De Castro, Del Castillo, and Villarama, Jr., JJ., concur.

[1] CA Rollo, pp. 8-11.

[2] Rollo pp. 2-13; penned by Associate Justice Rodrigo V. Cosico (retired), Associate Justice Arcangelita Romilla-Lontok (retired) and Associate Justice Arturo G. Tayag (retired) concurring.

[3] The real names of the victim and the members of her immediate family are withheld pursuant to Republic Act

No. 7610 (Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act) and Republic Act No. 9262 (Anti-Violence Against Women and Their Children Act of 2004). Instead, fictitious names shall be used to designate them. See *People v. Cabalquinto*, G.R. No. 167693, September 19, 2006, 502 SCRA 419.

[4] Rollo, pp. 2-3.

[5] CA Rollo, p. 9.

[6] CA Rollo, p. 9.

[7] *Id.*, (bold underscoring is part of the original text).

[8] *Id.*, p. 10.

[9] *Id.*, pp. 40-41 (bold underscoring is part of the original text).

[10] Rollo, p. 13.

[11] *Id.*, pp. 11-12.

[12] CA Rollo, p. 22.

[13] *Id.*, pp. 32-33.

[14] *Id.*, p. 34.

[15] *Id.*, p. 35.

[16] *Miranda v. Besa*, G.R. No. 146513, July 30, 2004, 435 SCRA 532, 541.

[17] *People v. Brecinio*, G.R. No. 138534, March 17, 2004, 425 SCRA 616, 622; *People v. Quimzon*, G.R. No. 133541, April 14, 2004, 427 SCRA 261, 271.

[18] *People v. Butiong*, G.R. No. 168932, October 19, 2011; see also *People v. Masalihit*, G.R. No. 124329, December 14, 1998, 300 SCRA 147, 155; *People v. Flores, Jr.*, G.R. No. 128823-24, December 27, 2002, 394 SCRA 325, 333.

[19] *Black's Law Dictionary* 193 (5th ed., 1979).

[20] *People v. Gonzales*, G.R. No. 141599, June 29, 2004, 433 SCRA 102, 115.

[21] *People v. San Antonio, Jr.*, G.R. No. 176633, September 5, 2007, 532 SCRA 411, 428; citing *People v. Antonio*, G.R. No. 157269, June 3, 2004, 430 SCRA 619, 626.

[22] *People v. Lagarde*, G.R. No. 182549, January 20, 2009, 576 SCRA 809, 820.

[23] *People v. Llagas*, G.R. No. 178873, April 24, 2009, 586 SCRA 707, 717.

[24] *People v. Rapisora*, G.R. No. 147855, May 28, 2004, 430 SCRA 237, 256.

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