

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. EMELDO
“PAMENTOLAN” OBINA, AMADO RAMIREZ, AND
CARLITO “MASOC” BALAGBIS, ACCUSED; EMELDO
“PAMENTOLAN” OBINA AND AMADO RAMIREZ, ...**

G.R. No. 186540. April 14, 2010

Ponente: NACHURA, J.

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NACHURA, J.:

Before the Court is a petition for review on certiorari under Rule 45 of the Rules of Court, assailing the Decision[1] dated January 30, 2008 of the Court of Appeals (CA) in CA-G.R. CR-H.C. No. 00634.

On February 1, 1996, appellants were charged before the Regional Trial Court (RTC) of robbery with rape in an Information which reads:

That on or about January 30, 1996, at about 1:30 o'clock in the morning at Brgy. Campesao, Borongan, Eastern Samar and within the jurisdiction of this Honorable Court, the above-named accused conspiring, confederating and helping one another with intent to gain, with the use of force and intimidation, did then and there willfully, unlawfully and feloniously take, steal and carry away Eight Hundred Pesos (P800.00) cash belonging to the herein offended party and on the occasion of said robbery said Imeldo Obina alias PAMENTOLAN, with lewd design and with the use of force and intimidation and in conspiracy with his other co-accused did then and there willfully, unlawfully and feloniously have sexual intercourse with the offended party [AAA][2] against her will.

CONTRARY TO LAW.[3]

When arraigned, all the accused pleaded not guilty to the crime charged. Thereafter, trial on the merits ensued.

The facts of the case are as follows:

On January 30, 1996, at around 1:30 a.m., AAA and her common-law husband, BBB, were roused from sleep when Emeldo Obina (Obina) and Carlito Balagbis (Balagbis) barged into their room after entering the kitchen by destroying the door shutter. AAA and BBB recognized both accused because of the illumination coming from the gas lamp that hung on a post near where they lay asleep.

Obina, who carried a knife, demanded money. AAA gave them all the money she had, amounting to Eight Hundred Pesos (P800.00). Balagbis poked a knife, about twelve (12) inches long, on the side of BBB. Obina ordered BBB to kneel down and, simultaneously, mashed AAA's breasts and fingered her genital organ. A voice coming from under the house shouted: "you will kill first the man and later on we will play with the girl." The couple recognized the voice to be that of Amado Ramirez (Ramirez) whom they were familiar with.

Fearing for his life, BBB jumped from the window and ran towards the plantation. Obina and Balagbis chased BBB, but they failed to catch him. BBB then sought help from the police.

While Balagbis and Ramirez were chasing BBB, Obina took the opportunity to have carnal knowledge of AAA against her will. Thereafter, he ordered AAA to dress up and forced her to go with him. AAA was able to free herself from Obina's hold when several dogs barked at them. She ran towards the house of a neighbor and sought help. Later on, BBB and the police arrived.

On February 6, 1998, the RTC of Borongan, Eastern Samar, rendered a decision,[4] the dispositive portion of which reads:

WHEREFORE, in view of the foregoing facts and circumstances, accused EMELDO OBINA is hereby found guilty beyond reasonable doubt of the special complex crime of Robbery with Rape defined and penalized under Article 294, par. 1 of the Revised Penal Code, as amended by Section 9, par. 1 of Republic Act No. 7659 which took effect on December 31, 1993, which provides a penalty of Reclusion Perpetua to Death. Accordingly, Emeldo Obina is hereby sentenced to serve the indivisible penalty of Reclusion Perpetua and to pay the offended party [AAA] the amount P50,000.00 as moral damages, plus the costs of this suit. Accused Carlito Balagbis and Amado Ramirez are found guilty as co-principal of the crime of Robbery defined and penalized under Article 294, par. 5 of the Revised Penal Code as amended by Section 9, par. 5 of Republic Act No. 7659 which provides a penalty of prision correccional in its maximum period to prision mayor in its medium period. Applying the Indeterminate Sentence Law, hereby sentences accused Carlito Balagbis and Amado Ramirez each to serve an imprisonment to 4 years and 2 months of prision correccional, as maximum, and all respondents are ordered to pay the victims [BBB] and [AAA] the amount of P800.00 jointly and severally, and to pay the cost of this suit.

Records show that accused Emeldo Obina and Amado Ramirez have been detained since February 7, 1996 while Carlito Balagbis was detained on February 9, 1996. Each of the accused are therefore entitled to the preventive imprisonment thus far undergone by them, provided they agree with the rules and regulations imposed on convicted prisoners, otherwise they shall be entitled to only four-fifths (4/5) of their preventive custody in accordance with Article 29 of the Revised Penal Code as amended by Republic Act 6127.

SO ORDERED.[5]

Appellants Obina and Ramirez filed their respective appeals; while accused Balagbis withdrew his appeal on January 21, 2000.

On January 30, 2008, the CA rendered a Decision,[6] the fallo of which reads:

WHEREFORE, premises considered, the assailed Sentence [Decision] of the RTC, 8[th] Judicial Region, Branch 1, Borongan, Eastern Samar, in Criminal Case No. 10690, finding appellant, Emeldo Obina alias "Pamentolan," guilty beyond reasonable doubt of Robbery with Rape, and appellant Amado Ramirez and accused Carlito Balagbis alias "Masoc," guilty beyond reasonable doubt of Robbery, is hereby **AFFIRMED** with **MODIFICATION**, in that appellant Obina is **ORDERED** to pay the victim [AAA] the amount of P50,000.00 as civil indemnity.

No Costs.

SO ORDERED.[7]

Hence, this appeal.

The sole issue in this case is whether the CA committed reversible error in affirming the conviction of appellants.

The instant appeal is bereft of merit.

As a rule, findings of the trial court on the credibility of witnesses and of their testimonies are accorded great respect, unless the trial court overlooked substantial facts and circumstances, which, if considered, would

materially affect the result of the case. In criminal cases, the evaluation of the credibility of witnesses is addressed to the sound discretion of the trial judge, whose conclusion thereon deserves much weight and respect, because the judge has the direct opportunity to observe them on the stand and ascertain if they are telling the truth or not. This deference to the trial court's appreciation of the facts and of the credibility of witnesses is consistent with the principle that when the testimony of a witness meets the test of credibility, that alone is sufficient to convict the accused. This is especially true when the factual findings of the trial court are affirmed by the appellate court. The rule finds an even more stringent application where said findings are sustained by the CA.[8]

In the case at bar, the Court finds no compelling reason to deviate from the said rule that factual findings of the trial court should not be disturbed on appeal. The RTC and the CA committed no reversible error in finding appellant Obina guilty of robbery with rape, while appellant Ramirez and accused Balagbis guilty of robbery.

As to the penalty imposed, the RTC correctly sentenced appellant Obina to reclusion perpetua in accordance with Article 294 of the Revised Penal Code. The CA, likewise, committed no error in affirming the penalty imposed on appellant Ramirez and accused Balagbis.

As to the damages awarded, we hereby rule that appellant Obina is ordered to pay AAA P50,000.00 as civil indemnity and P50,000.00 as moral damages.

The civil indemnity and moral damages are separately granted in rape cases without need of proof other than the commission of the crime.[9] Civil indemnity is mandatorily awarded to the rape victim on the finding that rape was committed.[10] It is in the nature of actual or compensatory damages.[11]

Similarly, moral damages are automatically awarded to rape victims without need of pleading or proof; it is assumed that a rape victim actually suffered moral injuries, entitling her to this award.[12] That the victim suffered trauma, with mental, physical, and psychological suffering, is too obvious to still require recital at the trial by the victim, since we assume and acknowledge such agony as a gauge of her credibility.[13]

WHEREFORE, in view of the foregoing, the Decision dated January 30, 2008 of the Court of Appeals in CA-G.R. CR-H.C. No. 00634 is hereby AFFIRMED. Costs against appellants.

SO ORDERED.

Corona, (Chairperson), Velasco, Jr., Peralta, and Mendoza, JJ., concur.

[1] Penned by Associate Justice Antonio L. Villamor, with Associate Justices Stephen C. Cruz and Amy C. Lazaro-Javier, concurring; rollo, pp. 5-20.

[2] Under Republic Act No. 9262, also known as "Anti-Violence Against Women and Their Children Act of 2004," and its implementing rules, the real name of the victim and those of her immediate family members are withheld, and fictitious initials are instead used to protect the victim's privacy.

[3] Rollo, p. 6.

[4] CA rollo, pp. 22-38.

[5] Id. at 36-38.

[6] Supra note 1.

[7] Rollo, pp. 19-20.

[8] *People v. Espino, Jr.*, G.R. No. 176742, June 17, 2008, 554 SCRA 682, 705, citing *People v. Malapo*, G.R. No. 123115, August 25, 1998, 294 SCRA 579, 591.

[9] *People of the Philippines v. Jesus Paragas Cruz*, G.R. No. 186129, August 4, 2009.

[10] *People v. Espino, Jr.*, supra note 8.

[11] *People v. Crespo*, G.R. No. 180500, September 11, 2008, 564 SCRA 613; *People v. Arivan*, G.R. No. 176065, April 22, 2008, 552 SCRA 448.

[12] *People of the Philippines v. Rolly Canares y Almanares*, G.R. No. 174065, February 18, 2009; *People v. Diocado*, G.R. No. 170567, November 14, 2008, 571 SCRA 123; *People v. Codilan*, G.R. No. 177144, July 23, 2008, 559 SCRA 623; *People v. Bunagan*, G.R. No. 177161, June 30, 2008, 556 SCRA 808; *People v. Nieto*, G.R. No. 177756, March 3, 2008, 547 SCRA 511; *People v. Malicsi*, G.R. No. 175833, January 29, 2008, 543 SCRA 93.

[13] *People v. Crespo*, supra note 11.

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