

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ROMMEL BELO Y DE LEON, ACCUSED-APPELLANT.

G.R. No. 187075. July 05, 2010

Ponente: VELASCO JR., J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-187075/>

VELASCO JR., J.:

The Case

This is an appeal from the October 31, 2008 Decision[1] of the Court of Appeals in CA-G.R. CR-HC No. 00388 entitled *People of the Philippines v. Rommel Belo y De Leon* which affirmed, with modifications, an earlier decision[2] of the Regional Trial Court of Biñan, Laguna, Branch 24, in Criminal Case No. 11114-B, finding herein accused-appellant Rommel Belo y De Leon guilty beyond reasonable doubt of the crime of rape[3] committed against AAA,[4] and sentenced him to suffer the penalty of death and to pay the amount of fifty thousand pesos (PhP 50,000) as moral damages.

The Facts

Accused-appellant was charged in an information dated June 16, 2000, which reads:

That on or about November 12, 1999, in the Municipality of Sta. Rosa, Province of Laguna, Philippines and within the jurisdiction of this Honorable Court, accused Rommel Belo y De Leon, with lewd design, through violence, force and intimidation with the use of deadly bladed weapon, did then and there willfully, unlawfully and feloniously have carnal knowledge with [AAA] against her will and consent, to her damage and prejudice.

Contrary to law.[5]

At his arraignment on September 26, 2000, accused-appellant, with the assistance of his counsel, entered a plea of not guilty.[6] Thereafter, trial on the merits ensued.

During the trial, the prosecution offered the oral testimonies of AAA, the victim, and Dr. Soledad Cunanan, the municipal health officer of Sta. Rosa, Laguna. On the other hand, the defense presented as its witnesses the accused-appellant himself, Rommel Belo, PO3 Tanny Gangano and Reggie Vergara ("Vergara").

Version of the Prosecution

A summary of the facts according to the prosecution is as follows:

On November 12, 1999, at around four o'clock in the afternoon, AAA, while taking a bath alone in her house, noticed that the lights in her living room were turned off.[7] Thinking that it was her live-in partner who arrived at their house and turned the lights off in the living room, AAA called his name. When nobody answered, she opened the door of the bathroom. She was shocked to see accused-appellant who was holding a bread knife. Accused-appellant then said "sandali lang ito" and pushed her inside the bathroom.[8] While pointing the bread knife at her, accused-appellant kissed and touched AAA's private parts. He also asked her to hold his penis with her left hand, and then eventually, accused-appellant inserted his penis into her vagina. After obtaining carnal

knowledge of AAA, accused-appellant threatened her not to tell anybody about what just happened, or else, he would kill her. Despite such threats, AAA informed her live-in partner about it. Immediately thereafter, they reported the incident to the authorities.[9]

Upon medical examination, Dr. Soledad Cunanan found the following:

FINDINGS:

Conscious, not in cardio-respiratory distress

Breasts full, with brownish nipple and areola

Heart and lungs unremarkable

Abdomen flat, no masses palpated

No gross deformities of extremities, moderate amount of thick axillary hair

External Genitalia Examination:

There's moderate to abundant amount of pubic hair, black and curly, and distributed on the mons pubis and vulvar area. The labia majora is convex, hyperpigmented, and not well-coaptated. The labia minora is noted to be also hyperpigmented and in-between the labia majora. On separating the same showed a fleshy-type, elastic hymen with deep healing laceration at 7 o'clock position and a deep healed laceration at 3 o'clock position. Minimal blood-tinge vaginal discharge is noted. There's no resistance upon examination of the vaginal orifice.

CONCLUSION: The patient is in non-virgin state physically. (Exh. "B")[10]

Version of the Defense

Accused-appellant's version of the incident, on the other hand, is as follows:

Admitting that he was at AAA's house on November 12, 1999 at around four o'clock in the afternoon, accused-appellant, however, claims that what actually transpired was consensual sex and not rape. He further claims that AAA was his girlfriend even if she has a live-in partner.[11] He even asserts that this was not the first time that they had sexual intercourse as he made love to her in October 1999 in her very own bedroom.[12] He also maintains that they kept their relationship secret upon AAA's request since the latter was allegedly afraid that her live-in partner might not pursue his intention to marry her if he finds out about their relationship.[13]

According to accused-appellant, on November 12, 1999, he was in front of his house when AAA passed by and invited him to her house. She allegedly told him that she would not lock the door of her house so that he could easily enter.[14] Before proceeding to AAA's house, accused-appellant talked to Vergara and Dante Manlangit ("Manlangit") and asked them to follow him to AAA's house in order to prove his relationship with the latter.[15] He also claims that when he entered AAA's bathroom, he kissed AAA and then she took off his clothes. Further, accused-appellant and AAA were supposedly kissing each other when they heard a noise and noticed Vergara and Manlangit peeping through the bathroom's window, and that despite accused-appellant's assurance to AAA that he would ask Vergara and Manlangit not to tell anyone about what they saw, AAA filed a case against him.[16]

Ruling of the Trial Court

Between the two conflicting versions of the incident, the trial court gave credence to the version of the prosecution and rendered its Decision[17] dated February 27, 2004 finding accused-appellant guilty of the crime of rape, the decretal portion of which reads:

WHEREFORE, premises considered, finding the accused ROMMEL BELO guilty beyond reasonable doubt of the crime of Rape with the use of force and intimidation and armed with a deadly weapon, he is hereby sentenced to suffer the penalty of Death. Accused is also directed to pay the private complainant the sum of

Fifty Thousand Pesos (P50,000.00) for and as moral damages.

SO ORDERED.[18]

Pursuant to our pronouncement in *People v. Mateo*,^[19] modifying the pertinent provisions of the Revised Rules on Criminal Procedure insofar as they provide for direct appeals from the Regional Trial Court to this Court in cases in which the penalty imposed by the trial court is death, reclusion perpetua or life imprisonment, and the Resolution dated September 19, 1995 in "Internal Rules of the Supreme Court", the case was transferred, for appropriate action and disposition, to the Court of Appeals, where it was docketed as CA-G.R. CR-HC No. 00388.

On June 19, 2006, accused-appellant filed his Appellant's Brief^[20], while the People of the Philippines, through the Office of the Solicitor General, filed its Appellee's Brief^[21] on October 25, 2006.

Ruling of the Appellate Court

As stated above, the Court of Appeals, in its Decision^[22] dated October 31, 2008, in CA-G.R. CR-HC No. 00388, affirmed with modifications the judgment of conviction by the trial court, the dispositive portion of which reads:

WHEREFORE, the appealed decision of the Regional Trial Court of Laguna (Biñan, Branch 24) is AFFIRMED with MODIFICATIONS in that (i) instead of the penalty of death, accused-appellant is sentenced to suffer reclusion perpetua and (ii) he is ordered to pay to AAA the amount of P50,000.00 as civil indemnity ex delicto.

SO ORDERED.[23]

On November 13, 2008, accused-appellant filed his Notice of Appeal of the Decision dated October 31, 2008 rendered by the Court of Appeals.^[24]

In Our Resolution dated July 1, 2009,^[25] We notified the parties that they may file their respective supplemental briefs, if they so desire, within thirty (30) days from notice. On August 18, 2009, the People of the Philippines manifested that it is no longer filing a supplemental brief as it believes that the Brief for the Appellee dated October 17, 2006 has adequately addressed the issues and arguments in the instant case.^[26] In the same vein, on August 24, 2009, accused-appellant manifested that he will no longer file a supplemental brief and is merely adopting the appellant's brief as his supplemental brief.^[27]

The Issues

Accused-appellant contends in his Brief^[28] that:

I.

THE TRIAL COURT GRAVELY ERRED IN CONVICTING ACCUSED-APPELLANT WHEN HIS GUILT HAS NOT BEEN PROVEN BEYOND REASONABLE DOUBT.

II.

THE TRIAL COURT GRAVELY ERRED IN GIVING CREDENCE TO THE TESTIMONY OF THE PROSECUTION'S WITNESSES.

III.

THE TRIAL COURT GRAVELY ERRED IN DISREGARDING THE DEFENSE EVIDENCE WHICH, IF PROPERLY APPRECIATED, COULD HAVE LED TO THE ACQUITTAL OF THE

ACCUSED-APPELLANT.[29]

The Court's Ruling

We sustain accused-appellant's conviction.

After a careful examination of the records of this case, we are satisfied that the prosecution's evidence established the guilt of the accused beyond reasonable doubt.

In deciding this appeal, the Court once again reiterates the legal aphorism that factual findings of the Court of Appeals affirming those of the trial court are binding on this Court unless there is a clear showing that such findings are tainted with arbitrariness, capriciousness or palpable error.[30] Unfortunately, however, accused-appellant failed to show any of these as to warrant a review of the findings of fact of the lower courts.

Pertinently, the trial court found the collective testimonies of the witnesses for the prosecution to be credible, while those of the accused-appellant, incredible and barren of probative weight. It is also an oft-stated doctrine that factual findings of the trial court, its calibration of the testimonies of the witnesses and its assessment of their probative weight is given high respect if not conclusive effect, unless the trial court ignored, misconstrued, misunderstood or misinterpreted cogent facts and circumstances of substance, which, if considered, will alter the outcome of the case.[31] In this regard, a meticulous review of the records gives us no reason to deviate from the factual findings of the trial court.

In his Brief, accused-appellant faults the trial court for giving credence to AAA's testimony. First, in assailing AAA's credibility, he asserts that based on the testimony of PO3 Tanny Galang, the incident entered in the police blotter was merely attempted and not consummated as AAA initially reported that there was only an attempt to molest and rape her. However, AAA later on claimed that the alleged rape was consummated.[32]

Concerning this, it should be noted that entries in a police blotter, though regularly done in the course of the performance of official duty, are not conclusive proof of the truth of such entries for they are often incomplete and inaccurate. They, therefore, should not be given undue significance or probative value as to the facts stated therein. Blotter entries are merely prima facie proof of the facts stated therein.[33] Furthermore, the heading in the police blotter in the case at bar states that the incident was "Alleged Rape". This shows that the crime sought to be entered in the police blotter was consummated rape and not merely attempted.[34]

At any rate, the prosecution has sufficiently established that accused-appellant was able to consummate his carnal desire. As testified by AAA:

Q What happened next after that?

A Then he kissed my lips, sir. And when I was about to avoid him, he mushed my breast and he told me to hold on his penis with my left hand `pinatitigas niya iyong ari niya.'

Q What happened then, if any?

A I was then trembling, sir and pitied him.

Q What happened next, if any?

A Then when his penies (sic) was already `tumigas' then he inserted his penies (sic) to my private part, sir.[35]

Second, accused-appellant claims that it is highly suspicious for AAA to leave the door of her house unlocked considering that she was alone and was about to take a bath. This supposedly shows the intention of AAA to allow accused-appellant to conveniently enter her house.

We do not agree. As convincingly argued by the prosecution, such act cannot be taken as an invitation for accused-appellant to enter AAA's house as it could be plainly attributed to oversight or to the fact that it was still early in the afternoon and she was expecting her live-in partner to arrive at any moment.[36]

Further, the defense of consensual sex must be established by strong evidence in order to be worthy of judicial acceptance. As held in *People v. Corpuz*: [37]

Appellant's "sweetheart" theory, being an affirmative defense, must be established by convincing evidence -- some documentary and/or other evidence like mementos, love letters, notes, photographs and the like. Other than appellant's testimony, however, no convincing evidence was presented to substantiate his theory.[38]

Notably, apart from accused-appellant's allegation that he and AAA were sweethearts, no love letter, memento or picture was presented by him to prove that such romantic relationship existed. While Vergara testified on his knowledge of the supposed relationship, he admitted that his basis was merely the information previously given by accused-appellant and that he really had no personal knowledge concerning the same. As testified to by Vergara:

Q Why do you know that they are sweethearts?

A Because Rommel told me, sir.

Q Told you what?

A He told me that he is having a relationship with (AAA)

x x x x

Q Besides that information told you by Rommel Belo that he had relationship with (AAA), what else, if any, to prove that they are sweethearts?

A There was a time that Rommel told me that (AAA) and him went out on a date so I believe that they have a relationship, sir.[39]

x x x x

Q So, the personal relationship of Rommel and (AAA) was based only by you on the information given to you by Rommel. Am I right?

A He told me that (AAA) and him go out on a date, sir. That they go to a motel, and, of course, I believe him, sir.[40]

And as correctly observed by the Court of Appeals, even supposing that the sweetheart theory is true, a love affair does not justify rape, for the beloved cannot be sexually violated against her will for love is not a license for lust.[41]

Third, in belying the charge of rape by the prosecution, accused-appellant claims that the absence of bruises and contusions on AAA's body, based on the medico-legal report, negates the crime of rape.[42] This contention deserves scant consideration.

The absence of bruises and contusions does not negate the commission of rape. As held in *People v. Dado*: [43]

The absence of finger grips, contusions, bruises or scratches on; the different parts of Eden's body does not negate the commission of rape. It is not necessary that the victim should bear marks of physical violence sustained by reason of the persistence of the sexual attacker, nor is the exertion of irresistible force by the culprit an indispensable element of the offense. Corollarily, Eden's failure to shout or offer tenacious resistance

cannot be said to render voluntary her submission to the lustful criminal act of appellant. (Emphasis supplied.)

Thus, for rape to be committed, it is not necessary that there be marks of physical violence present on the victim's body. Corollarily, accused-appellant's contention, that the fact that he did not possess any bread knife when he was apprehended a few moments after the commission of the alleged crime supposedly negates the existence of force and intimidation, also does not hold water. The non-presentation of the weapon used in the commission of rape is not essential to the conviction of the accused-appellant. As held in *People v. Degamo*:^[44]

It is settled that the non-presentation of the weapon used in the commission of rape is not essential to the conviction of the accused. The testimony of the rape victim that appellant was armed with a deadly weapon when he committed the crime is sufficient to establish that fact for so long as the victim is credible. It must be stressed that in rape, it is usually only the victim who can attest to its occurrence and that is why courts subject the testimony of the alleged victims to strict scrutiny before relying on it for the conviction of the accused. In the present case, complainant positively described how appellant, armed with a knife, threatened and raped her. Appellant failed to show any compelling reason for us to brush aside the probative weight given by the trial court to the testimony of herein complainant. Absent any showing that certain facts of substance and significance have been plainly overlooked or that the trial court's findings are clearly arbitrary, the conclusions reached by the trial court must be respected and the judgment rendered should be affirmed. (Emphasis supplied.)

Penalty Imposed

The award of civil indemnity of PhP 50,000 in simple rape cases without need of pleading or proof is correct. In addition, moral damages of PhP 50,000 were also properly awarded. These are automatically granted in rape cases without need of proof other than the commission of the crime in accordance with prevailing jurisprudence.^[45] We, however, additionally grant exemplary damages in the amount of PhP 30,000, in line with current jurisprudence,^[46] for the special aggravating circumstance of the use of a deadly weapon attended the commission of the rape.^[47]

WHEREFORE, the appeal is DENIED. The CA Decision dated October 31, 2008 in CA-G.R. CR-H.C. No. 00388 finding accused-appellant Rommel Belo guilty of rape is AFFIRMED with the MODIFICATION that accused-appellant shall suffer reclusion perpetua, without eligibility for parole, and shall, in addition, pay PhP 30,000 to AAA as exemplary damages.

SO ORDERED.

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

[1] Rollo, pp. 2-11. Penned by Associate Justice Edgardo P. Cruz and concurred in by Associate Justices Fernanda Lampas Peralta and Normandie B. Pizarro.

[2] CA rollo, pp. 18-25. Penned by Judge Damaso A. Herrera.

[3] Under Art. 335 of the Revised Penal Code, as amended by Republic Act No. 7659.

[4] The real name of the victim is withheld to protect her identity and privacy pursuant to Section 44 of Republic Act No. 9262 and Section 40 of A.M. No. 04-10-11-SC. See our ruling in *People v. Cabalquinto*, G.R. No. 167693, September 19, 2006, 502 SCRA 419.

[5] CA rollo, p. 7.

- [6] RTC Records, p. 18.
- [7] TSN, February 13, 2001, pp. 3-4.
- [8] Id. at 4.
- [9] Id. at 5.
- [10] RTC Records, p. 6.
- [11] TSN, February 26, 2002, p. 7.
- [12] Id. at 7-8.
- [13] TSN, April 18, 2002, pp. 13-14.
- [14] Id. at 6-7.
- [15] Id. at 10 and 22.
- [16] Id. at 16-25.
- [17] Supra note 2.
- [18] CA rollo, p. 25.
- [19] G.R. Nos. 147678-87, July 7, 2004, 433 SCRA 640, 657-658.
- [20] CA Rollo, pp. 61-75.
- [21] Id. at 90-120.
- [22] Rollo, pp. 2-11.
- [23] Id. at 10.
- [24] Id. at 12-13.
- [25] Id. at 18.
- [26] Id. at 19-20.
- [27] Id. at 22-24.
- [28] CA rollo, pp. 61-75.
- [29] Id. at 68-69.
- [30] Fuentes v. Court of Appeals, G.R. No. 109849, February 26, 1997, 268 SCRA 703.
- [31] Mendoza v. People, G.R. No. 165820, December 8, 2004 citing People of the Philippines v. Cajurao, G.R. No. 122767, January 20, 2004.
- [32] Rollo, pp. 69-70.
- [33] People v. Sorongon, G.R. No. 142416, February 11, 2003, 397 SCRA 264 citing People v. Durohom, G.R. No. 146276, November 21, 2002.
- [34] Rollo, p. 6.

[35] TSN, February 13, 2001, p. 5.

[36] CA rollo, p. 108.

[37] G.R. No. 175836, January 30, 2009, 577 SCRA 465.

[38] Id. at 471.

[39] TSN, September 24, 2002, pp. 7-8.

[40] Id. at 17.

[41] *People v. Pulanco*, G.R. No. 141186, November 27, 2003, 416 SCRA 532.

[42] CA rollo, pp. 71-72.

[43] G.R. No. 87775, June 1, 1995, 244 SCRA 655, 667.

[44] G.R. No. 121211, April 30, 2003, 402 SCRA 133.

[45] *People v. Cruz*, G.R. No. 186129, August 4, 2009, 595 SCRA 411, 421-422.

[46] *People v. Ofemiano*, G.R. No. 187155, February 1, 2010 citing *People v. Pabol*, G.R. No. 187084, October 12, 2009, 603 SCRA 522, 532-533.

[47] *People v. Magbanua*, G.R. No. 176265, April 30, 2008, 553 SCRA 698, 708.

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.