THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ANDY REGASPI, ACCUSED-APPELLANT.

G.R. No. 198309. September 07, 2015

Ponente: PERALTA, J.

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PERALTA, J.:

The instant case seeks to review the Court of Appeals (CA) Decision[1] dated September 23, 2010 in CA-G.R. CR-HC No. 03116. The CA affirmed the Decision[2] of the Regional Trial Court (RTC) of Pili, Camarines Sur, Branch 32, dated November 28, 2007 in Criminal Case No. P-2950, finding accused-appellant Andy Regaspi guilty beyond reasonable doubt of the crime of rape.

In an Information dated March 20, 2000, the prosecution charged Regaspi of raping AAA,[3] to wit:

> That on or about January 12, 2000 at around 8:00 o'clock in the morning at Barangay Sagrada, Municipality of Pili, Province of Camarines Sur, 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 had sexual intercourse with [AAA], a 19-year-old girl, against her will, to her damage and prejudice.
>
> ACTS CONTRARY TO LAW.[4]

When arraigned, Regaspi pleaded not guilty to the crime charged.

Trial thereafter ensued where the facts were narrated as follows:

AAA recalled that on the evening of January 11, 2000, she and her friends attended a dance party in their barangay. Upon arrival, they stayed outside the dance hall and had a drink inside a tricycle. After consuming a bottle of beer, her friends proceeded to the dance floor, but AAA decided to stay because her feet were already aching.

Suddenly, Regaspi approached AAA and pointed a knife at her. AAA noticed that Regaspi also dropped a tablet into the glass of beer that he was holding. He then ordered AAA to take said glass and drink the beer. Out of fear, she did as she was told, after which, AAA lost consciousness.

When she woke up the following day, AAA found herself inside a nipa hut in the middle of a rice field. She was naked and Regaspi was on top of her, forcing her to have sexual intercourse with him. She tried to resist Regaspi, but the latter still prevailed. After around two (2) hours, he finally left AAA, bleeding and in extreme pain.

Later that same day, AAA went to a physician to have herself examined. Dr. Ma. Rizalina Adalid found the presence of the following:

> (+) lacerated wound, superficial 2 cms., posterior fourchette
> (+) hymenal lacerations at 2 o'clock position with hyperemia
> (+) blood-streaked vaginal discharge, minimal[5]

On the other hand, Regaspi vehemently denied the accusations against him. He claimed that it was actually AAA who offered him a drink and asked him to dance. Later, AAA left him. That was the last time Regaspi saw her that night. The next day, he saw AAA sleeping at the chapel near the dance hall. He woke her up but AAA simply smiled at him and went home.

On November 28, 2007, the RTC of Pill, Camarines Sur convicted Regaspi of the crime of rape. The dispositive portion of said Decision states:

> Wherefore, judgment is hereby rendered, finding the accused Andy Regaspi, guilty beyond reasonable doubt of the crime of Rape, defined and penalized under Art. 266-A and Art. 266-B and accordingly sentences him to suffer the penalty of Reclusion Perpetua, with all the accessories of the penalty, to indemnify the offended party, AAA,[6] the sum of P50,000.00 as indemnity, the sum of P50,000.00 as moral damages, and to pay the costs. [T]he accused is credited in full for his preventive detention had he agreed in writing to abide by the rules for convicted prisoners, otherwise, for 4/5 of the same.
>
> SO ORDERED.[7]

Hence, Regaspi appealed before the CA. On September 23, 2010, the CA affirmed the trial court's conviction of Regaspi, thus:

> FOR THESE REASONS, the appeal is DENIED. The November 28, 2007 Decision of the Regional Trial Court finding accused-appellant ANDY REGASPI guilty of rape is AFFIRMED.
>
> SO ORDERED.[8]

Regaspi now brings the case before the Court, insisting that the courts be ow gravely erred in finding him guilty of the crime of rape despite the prosecution's failure to establish his guilt beyond reasonable doubt.[9]

There is no justifiable reason to depart from the ruling of the lower courts.

When it comes to credibility, the trial court's assessment deserves great weight, and is even conclusive and binding, unless the same is tainted with arbitrariness or oversight of some fact or circumstance of weight and influence. Since it had the full opportunity to observe directly the deportment and the manner of testifying of the witnesses before it, the trial court is in a better position than the appellate court to properly evaluate testimonial evidence.[10] The rule finds an even more stringent application where the CA sustained said findings, as in this case.[11]

In light of the positive identification by AAA, whose narration of the incident was found credible by both the RTC and the CA, Regaspi's proffered defense of denial fails.[12] Regaspi's denial could not prevail over AAA's direct, positive, and categorical assertion. For Regaspi's alibi to be credible and given due weight, he must show that it was physically impossible for him to have been at the scene of the crime at the time of its commission. The Court has consistently held that denial is an intrinsically weak defense which must be supported by strong evidence of non-culpability to merit credibility. No jurisprudence in criminal law is more settled than that alibi is the weakest of all defenses, for it is easy to contrive and difficult to disprove, and for which reason, it is generally rejected. For the alibi to prosper, the accused must establish the following: (1) he was not at the locus delicti at the time the offense was committed; and (2) it was physically impossible for him to be at the scene at the time of its commission. These, unfortunately, Regaspi failed to prove. Further, and more importantly, Regaspi's allegations remain uncorroborated.[13]

Regaspi likewise claims that it is unbelievable that he would attack AAA in a public place. Rape cases, however, are not always committed in seclusion. It is settled that lust is no respecter of time or place, and rape defies constraints of time and space.[14] He also points out that AAA did not seem to have offered any resistance during

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the supposed ordeal. For two (2) hours, there was no indication that she tried to punch, bite or scratch the accused. She never shouted or cried for help. But the lack of resistance on the part of the complainant is not inconsistent with a claim of rape. Lack of resistance does not automatically mean that the complainant consented to the sexual act, especially when the accused had intimidated said person into submission.[15] Here, AAA was not only intimidated but likewise rendered unconscious. True, there was no test conducted to determine that AAA was indeed drugged, but this is of little relevance as the same is not an indispensable element in a prosecution for rape. It is sufficient that the prosecution was able to prove that AAA had been sedated by Regaspi at the time the latter had carnal knowledge of her.[16]

With regard to the penalty, the courts below were correct in imposing reclusion perpetua under Article 266-B of the RPC. The award of P50,000.00 for civil indemnity and P50,000.00 as moral damages is likewise appropriate, in accordance with recent jurisprudence.[17] However, the Court deems it proper to further order the payment of exemplary damages in the amount of P30,000.00, to serve as a deterrent against the commission of the same or similar bestial act.

WHEREFORE, the petition is DISMISSED. The Decision of the Court of Appeals, dated September 23, 2010, in CA-G.R. CR-HC No. 03116, affirming the Decision of the Regional Trial Court of Pili, Camarines Sur, Branch 32, dated November 28, 2007 in Criminal Case No. P-2950, which held accused-appellant Andy Regaspi guilty beyond reasonable doubt of the crime of rape, is hereby AFFIRMED with MODIFICATION as to the amount of his civil liability. He is ORDERED to PAY an additional amount of P30,000.00 by way of exemplary damages.

SO ORDERED.

Velasco, Jr., (Chairperson), Villarama, JR., Perez,[*] and Jardeleza, JJ., concur.

October 2, 2015

NOTICE OF JUDGMENT

Sirs / Mesdames:

Please take notice that on September 7, 2015 a Decision, copy attached hereto, was rendered by the Supreme Court in the above-entitled case, the original of which was received by this Office on October 2, 2015 at 2:10 p.m.

Very truly yours,
(SGD)
WILFREDO V. LAPITAN
Division Clerk of Court

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[*] Designated Acting Member in lieu of Associate Justice Bienvenido L. Reyes, per Special Order No. 2112 dated July 16, 2015.

[1] Penned by Associate Justice Mario V. Lopez, with Associate Justices Magdangal M. De Leon and Franchito N. Diamante; concurring; rollo, pp. 2-10.

[2] Penned by Judge Nilo A. Malanyaon; CA rollo, pp. 10-11.

[3] In line with the Court's ruling in People v. Cabalquinto, G.R. No. 167693, September 19, 2006, 502 SCRA 419, 426; citing Rule on Violence Against Women and their Children, Sec. 40; Rules and Regulations

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Implementing Republic Act No. 9262, Rule XI, Sec. 63, otherwise known as the "Anti-Violence Against Women and their Children Act," the real names of the rape victims will not be disclosed. The Court will instead use fictitious initials to represent them throughout the decision. The personal circumstances of the victims or any other information tending to establish or compromise their identities will likewise be withheld.

[4] Records, p. 1.

[5] Rollo, p. 4.

[6] Supra note 3.

[7] CArollo, p. 11.

[8] Rollo, p. 9. (Emphasis in the original)

[9] CA rollo, p. 25.

[10] People of the Philippines v. Martin Nerio, Jr., G.R. No. 200940, July 22, 2015.

[11] People v. Cabungan, G.R. No. 189355, January 23, 2013, 689 SCRA 236, 247.

[12] Id.

[13] People v. Manatili, G.R. No. 191253, August 28, 2013, 704 SCRA 305, 318.

[14] People v. Pareja, G.R. No. 202122, January 15, 2014, 714 SCRA 131, 152.

[15] Id. at 153.

[16] People v. Del Rosario, 346 Phil. 860, 869 (1997).

[17] People v. Gragasin, 613 Phil. 574, 595 (2009).

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