

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. BERNIE CONCEPCION, ACCUSED-APPELLANT.

G.R. No. 214886. April 04, 2018

Ponente: LEONEN, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-214886/>

LEONEN, J.:

This resolves the appeal[1] from the Court of Appeals March 28, 2014 Decision,[2] affirming with modification the November 29, 2011 Decision[3] of Branch 34, Regional Trial Court, La Union. The Regional Trial Court found the accused, Bernie Concepcion (Concepcion), guilty beyond reasonable doubt of the complex crime of forcible abduction with rape. The Regional Trial Court imposed the penalty of reclusion perpetua and ordered Concepcion to pay the victim P50,000.00 as moral damages.[4] On appeal, the Court of Appeals ruled that the crime of rape absorbed the crime of forcible abduction; thus, it found Concepcion guilty only of the crime of rape and imposed the same penalty of reclusion perpetua. It ordered Concepcion to pay the victim the amounts of P50,000.00 as moral damages, P50,000.00 as civil indemnity, and P30,000.00 as exemplary damages.[5]

Informations were filed with the Regional Trial Court, La Union against accused-appellant Concepcion, charging him with serious illegal detention and two (2) counts of rape. The information for serious illegal detention was docketed as Criminal Case No. 2899. The relevant portion stated:

That on or about the 17[th] day of February 2001, in the Municipality of Province of La Union, Philippines and within the jurisdiction of this Honorable Court, the above-named accused being a private individual did then and there willfully, unlawfully and feloniously kidnap, detain and deprive the liberty of complainant AAA and while detaining the latter inside a house, said accused forcibly and with intimidation and lewd design, have sexual intercourse with complainant twice against her will and consent, all to the damage and prejudice of said complainant and her personal liberty and security.[6]

The informations for rape were docketed as Criminal Case Nos. 2900 and 2901, and read, in part:

Crim. Case No. 2900

That on or about the 17[th] day of February 2001, at 8:00 o'clock in the evening at Brgy. Municipality of Province of La Union, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, by means of force and intimidation and with lewd design did then and there wil[l]fully, unlawfully and feloniously have sexual intercourse with AAA without her consent, to the damage and prejudice of said victim.

CONTRARY TO LAW.

Crim. Case No. 2901

That on or about the 17[th] day of February 2001, at 5:00 o'clock in the afternoon at Brgy. Municipality of Province of La Union, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, by means of force and intimidation and with lewd design did then and there willfully, unlawfully and feloniously have sexual intercourse with AAA without her consent, to the damage and prejudice of said victim.

CONTRARY TO LAW.[7]

On June 4, 2002, upon arraignment in the consolidated criminal cases, accused-appellant pleaded not guilty,[8] and trial ensued.

The prosecution's version of the events was as follows:

AAA and her common-law husband lived rent-free in a house owned by Concepcion. In return, they helped maintain the house and contributed to utility bills.[9]

On February 17, 2001, at around 5:00 p.m., AAA arrived home in a tricycle, bringing with her a sack of rice. Concepcion was at the gate of the house, drunk, when AAA arrived. She went inside the house to place her lunchbox and to find someone to help her carry the sack of rice. Concepcion intercepted her at the garage area. He held a knife to her back and dragged her to his room. Then he locked his room and blocked its door using his bed. Concepcion then pulled AAA to the bed and told her to undress. She begged Concepcion not to rape her. He undressed her, pulled down his pants, cut her underwear using his knife, and then inserted his hand in her vagina. AAA felt pain and struggled. Then, Concepcion inserted his penis into her vagina.[10]

Shortly after, a vehicle arrived and a person who introduced himself as Chief of Police Pedro Obaldo, Jr.[11] called on Concepcion to release AAA. In response, Concepcion demanded that the police first produce the men who raped his girlfriend, Malou Peralta (Peralta). The police then brought the three (3) men demanded by Concepcion. Then, Concepcion told the police to bring Peralta and her father, which they did. When Peralta arrived, Concepcion refused to release AAA unless Peralta admitted that she had been raped. At first, Peralta refused to admit this, but later did just so Concepcion would release AAA. Then, Concepcion asked that Board Member Alfred Concepcion be produced. When he arrived, however, Concepcion asked him to leave.[12]

Concepcion then inserted his penis in AAA's vagina again, holding a knife to her neck. Mayor Joaquin Ostrea's arrival interrupted the rape. He tried, but failed, to convince Concepcion to release AAA. Concepcion instructed AAA to dress up. She could not find her shirt, however, and wore Concepcion's shirt instead.[13]

Then, to electrocute those who might enter the room, Concepcion installed electric wires on the door. The police officers used their vehicle to create noise outside, starting its engine and honking its horn. They forcibly entered Concepcion's room, breaking the window and the door. PO3 Bartolome Oriña, Jr. (PO3 Oriña)[14] pulled AAA and exited through the window. AAA then passed out.[15]

Thereafter, Concepcion was arrested and brought to the police station. AAA was brought to the hospital where Dr. Maribeth Baladad (Dr. Baladad) examined her. Dr. Baladad testified that there were abrasions and lacerations in her genital area, caused by the forceful entry of an object or organ.[16]

Concepcion did not present evidence before the Regional Trial Court.[17]

In its November 29, 2011 Decision,[18] the Regional Trial Court found Concepcion guilty of the complex crime of forcible abduction with rape, considering that she was forcibly abducted and then sexually assaulted. It dismissed one (1) charge of rape for failure of the prosecution to establish the same with moral certainty. The dispositive portion of this Decision read:

WHEREFORE, in view of the foregoing, a judgment is hereby rendered finding accused Bernie Concepcion GUILTY beyond reasonable doubt of the complex crime of Forcible Abduction with Rape and is hereby sentenced to serve the penalty of imprisonment of Reclusion Perpetua.

Further, accused is hereby ordered to pay FIFTY THOUSAND (PHP 50,000.00) PESOS as moral damages.

SO ORDERED.[19]

Concepcion appealed the Regional Trial Court Decision to the Court of Appeals. In his appellant's brief, he admitted detaining AAA and holding her against her will. However, he claimed that "his intention was not to detain" but "to extract an admission from his girlfriend of the fact of her being raped and ... to bring the alleged perpetrators out in the open." [20] He stressed that even AAA testified that he assured her release provided that those who raped his girlfriend were presented. This was also corroborated by PO3 Oriña. [21] He insisted that no evidence was presented to show any other intention than to attract attention to the alleged rape of his girlfriend. [22] Absent proof that Concepcion's intent was to deprive AAA of her liberty, he should not be convicted under Article 267 of the Revised Penal Code. Similarly, absent proof that he abducted AAA with lewd designs, Concepcion could not be convicted of forcible abduction under Article 342 of the Revised Penal Code. [23] Further, Concepcion insisted that the testimonies presented by the prosecution did not establish beyond reasonable doubt that he raped AAA. It was established that at the time of the alleged rape, AAA was on her fourth day of menstruation, yet no evidence was presented showing traces of menstrual discharge on the bed sheets or on Concepcion's clothing. Moreover, while it may have been established that the coitus had occurred, Dr. Baladad could not determine the date of such occurrence [24] or recall whether the lacerations she found on AAA were fresh or old. [25] Finally, it was not shown that the spermatozoa found inside AAA belonged to Concepcion. [26]

The Court of Appeals denied Concepcion's appeal in its March 28, 2014 Decision. [27] It found that the elements of rape had been proven beyond reasonable doubt. It ruled that carnal knowledge was established by AAA's testimony, which was corroborated by the Physical and Medical Examination and testimony of Dr. Baladad, who examined AAA on February 18, 2001. Dr. Baladad found abrasions on her flank area, left posterior shoulder, and right knee, as well as a laceration on her fourchette. The Exfoliative Cytology Report established the presence of spermatozoa and of a moderate inflammation. That the carnal knowledge was accomplished through force or intimidation was established by AAA, who testified that Concepcion held a knife to her neck and that her pushes were ineffective against Concepcion, who was stronger than her. [28]

The Court of Appeals also found that the prosecution established the elements of abduction. However, the Court of Appeals ruled that the crime of rape absorbed the forcible abduction, considering that it was established that the forcible abduction of AAA was for the purpose of raping her. [29] The Court of Appeals also increased the amount of damages awarded by the trial court. The dispositive portion of its Decision read:

WHEREFORE, premises considered, the appeal is DENIED. The Decision dated 29 November 2011 of the Regional Trial Court, First Judicial Region, Branch 34, La Union in Crim. Case Nos. 2899, 2900 & 2901 is AFFIRMED with MODIFICATION, in that accused-appellant is hereby found guilty beyond reasonable doubt of the crime of rape under Article 266-A of the Revised Penal Code, as amended by Republic Act No. 8353, and sentenced to suffer the penalty of imprisonment of reclusion perpetua; and he is ORDERED to pay the victim AAA not only the amount of Php 50,000.00 as a moral damages already awarded by the trial court, but also the amounts of Php 50,000.00 as civil indemnity, and Php 30,000.00 as exemplary damages, plus interest on all damages at the rate of six percent (6%) per annum from finality of this Decision until fully paid.

SO ORDERED.[30]

Thus, Concepcion filed a Notice of Appeal with the Court of Appeals. [31]

In compliance with its May 14, 2014 Resolution, [32] which gave due course to accused-appellant's notice of appeal, the Court of Appeals elevated the records of the case to this Court. [33] In its January 14, 2015 Resolution, [34] this Court required the parties to submit their respective supplemental briefs. The parties filed their respective manifestations in lieu of supplemental briefs on March 19, 2015 [35] and March 31, 2015. [36]

After considering the parties' arguments and the records of this case, this Court resolves to DISMISS accused-appellant's appeal for failing to show reversible error in the assailed decision, warranting this Court's appellate jurisdiction, and to MODIFY the assailed decision.

Accused-appellant has failed to present any cogent reason to reverse the factual findings of the Court of Appeals and of the Regional Trial Court, with regard to his conviction. The trial court's factual findings, its assessment of the credibility of witnesses and the probative weight of their testimonies, and its conclusions based on these factual findings are to be given the highest respect, and when these are affirmed by the Court of Appeals, this Court will generally not re-examine them.[37] However, this Court modifies the assailed decision.

To recall, three (3) informations were filed against accused-appellant for two (2) counts of rape and one (1) count of serious illegal detention. Accused-appellant was uniformly acquitted of the second count of rape due to the failure of the prosecution to establish beyond reasonable doubt that it actually happened. As for the remaining two (2) charges, the Regional Trial Court and the Court of Appeals both considered the first count of rape and the charge of serious illegal detention as necessarily linked.

Upon studying the records of this case, this Court finds AAA's testimony as sufficient to establish beyond reasonable doubt that there was a second incident of rape.

The Court of Appeals and the Regional Trial Court found AAA's testimony to be credible. Thus, in affirming accused-appellant's conviction for the first count of rape, the Court of Appeals March 28, 2014 Decision properly explained:

(Indeed) (i)n resolving rape cases, primordial consideration is given to the credibility of the victim's testimony. Further, it bears stressing that (i)n a prosecution for rape, the accused may be convicted solely on the basis of the testimony of the victim that is credible, convincing, and consistent with human nature and the normal course of things, as in (the present) case. No law or rule requires the corroboration of the testimony of a single witness in a rape case. Due to its intimate nature, rape is usually a crime bereft of witnesses, and, more often than not, the victim is left to testify for herself.

In this case, accused-appellant had carnal knowledge of AAA by inserting his penis into AAA's genitalia, and the same was accomplished through force, threat or intimidation. AAA testified that she was not able to fight back because accused-appellant's knife was pointed at her neck and that while she tried to push him, he was stronger than her. AAA described the weapon used by accused-appellant as a stainless bread knife which is about 9 inches long. AAA also testified and narrated in detail the manner on how accused-appellant had carnal knowledge of her, despite her efforts of fighting back.

We also find that AAA's claim for rape was corroborated by Dr. Baladad, a Medical Officer III in the OB-Gyne Department of the Ilocos Training and Regional Medical Center, the doctor who examined her, upon the request for Physical and Medical Examination dated 18 February 2001 of Police Chief Inspector Pedro Obaldo, Jr. of the Police Station...

....

It has been repeatedly held that no woman would want to go through the process, the trouble and the humiliation of trial for such a debasing offense unless she actually has been a victim of abuse and her motive is but a response to the compelling need to seek and obtain justice. It is settled jurisprudence that when a woman says that she has been raped, she says in effect all that is necessary to show that rape was indeed committed.[38] (Citations omitted)

As appreciated by the Court of Appeals, AAA testified and narrated in detail how accused-appellant had carnal knowledge of her. Upon examining the records, it became clear that AAA testified and narrated two (2) separate

incidents of rape. As to the first incident, AAA testified:

Q

And when the accused took off your underwears, what happened next?

A

After he removed the panty and bra he inserted his hand (Witness demonstrating her fingers).

Q

Where did the accused inserted (sic) his finger?

A

In my vagina, sir.

Q

What particular part of the room [were you in] when the accused inserted his finger [into] your vagina?

A

On the bed, sir.

....

Q

When you struggled so that the finger was removed, what happened next?

A

That is the time he inserted his penis in ... my vagina, sir.

Q

Can you recall how many minutes or second[s] when he inserted his penis to ... your vagina?

A

It is a short time bee[ause] he notice[d] that there [was] a vehicle ... stop[ped] outside their house, sir.[39]

As for the second incident of rape, AAA narrated:

Q

And what happened after the accused ask[ed Board Member Alfred Concepcion] to leave the place?

A

That [was] the time that he want[ed] again to rape me, sir.[40]

....

Q

And what happened after that?

A

He went on top of me, sir.

Q

And what happened [when he was] on top of you?

A

He inserted his penis to my vagina, sir.

Q

Was he able to penetrate your vagina?

A

Yes, sir.

Q

What did you feel when he did that?

A

None because I am still afraid at that time because the knife was still pointed at my neck, sir.

....

Q

On the 2[nd] time that the accused ... inserted his penis to your vagina, what then [were] you doing?

A

Still I was lying down, sir.

Q

You did not push him?

A

I did it but of course he [was] a male, he [was] stronger than me, Your Honor.

Q

You did not cry while he was raping you?

A

I cried, Your Honor.[41]

As properly pointed out by the Court of Appeals, in rape cases, primordial consideration is given to the credibility of a victim's testimony. Here, AAA's testimonies on both incidents of rape are equally credible. Considering that the judge who examined AAA found her a believable witness[42] and considering further that there was nothing wanting in AAA's testimony on the second rape incident, for the same reasons outlined by the Court of Appeals in its decision, this Court finds that the evidence was sufficient to establish accused-appellant's guilt of the second rape charge.

As for the charge of serious illegal detention, the Court of Appeals held that the forcible abduction was absorbed

in the crime of rape because it was established that the forcible abduction of AAA was for the purpose of raping her:[43]

In this case, it is clear that accused-appellant forcibly abducted AAA for the purpose of raping her. It bears to stress that accused-appellant already raped AAA, and it was only after his commission of the said crime that he made demands from the police authorities for AAA's release. In fact, AAA testified that accused-appellant even placed electrical wires for the purpose of electrocuting anybody who would enter the door or the window. Hence, if it were true that accused-appellant only detained the victim to extract an admission from his girlfriend Malou [Peralta] and to bring the alleged perpetrators of the latter out in the open, he should have released AAA the moment his demands were acceded to by the police officers. It bears emphasis that accused-appellant failed to present any evidence, and the defense he is belatedly putting up now is but a last-ditched effort on his part to evade criminal liability.[44] (Citation omitted)

This Court disagrees.

The facts as found by the Regional Trial Court and the Court of Appeals show that after raping AAA, accused-appellant continued to detain her and refused to release her even after raping her. Thus, although the initial abduction of AAA may have been absorbed by the crime of rape, the continued detention of AAA after the rape cannot be deemed absorbed in it. Likewise, since the detention continued after the rape had been completed, it cannot be deemed a necessary means for the crime of rape.

Articles 267 and 268 of the Revised Penal Code provide:

Article 267. Kidnapping and serious illegal detention. - Any private individual who shall kidnap or detain another, or in any other manner deprive him of his liberty, shall suffer the penalty of reclusion perpetua to death:

1. If the kidnapping or detention shall have lasted more than three days.
2. If it shall have been committed simulating public authority.
3. If any serious physical injuries shall have been inflicted upon the person kidnapped or detained; or if threats to kill him shall have been made.
4. If the person kidnapped or detained shall be a minor, except when the accused is any of the parents, female or a public officer.

The penalty shall be death penalty where the kidnapping or detention was committed for the purpose of extorting ransom from the victim or any other person, even if none of the circumstances above-mentioned were present in the commission of the offense.

When the victim is killed or dies as a consequence of the detention or is raped, or is subjected to torture or dehumanizing acts, the maximum penalty shall be imposed.

Article 268. Slight illegal detention. - The penalty of reclusion temporal shall be imposed upon any private individual who shall commit the crimes described in the next preceding article without the attendance of any of the circumstances enumerated therein.

The same penalty shall be incurred by anyone who shall furnish the place for the perpetration of the crime.

If the offender shall voluntarily release the person so kidnapped or detained within three days from the commencement of the detention, without having attained the purpose intended, and before the institution of criminal proceedings against him, the penalty shall be prision mayor in its minimum and medium periods and a fine not exceeding seven hundred pesos.

Thus, the felony of slight illegal detention has four (4) elements:

- That the offender is a private individual.
- That he kidnaps or detains another, or in any other manner deprives him of his liberty.
- That the act of kidnapping or detention is illegal.
- That the crime is committed without the attendance of any of the circumstances enumerated in Art. 267.[45]
(Emphasis in the original)

The elements of slight illegal detention are all present here. Accused-appellant is a private individual. The Court of Appeals found that after raping AAA, accused-appellant continued to detain her and to deprive her of her liberty. It also appreciated AAA's testimony that accused-appellant placed electrical wires around the room to electrocute anyone who might attempt to enter it. He refused to release AAA even after his supposed demands were met. The detention was illegal and not attended by the circumstances that would render it serious illegal detention. Thus, this Court finds accused-appellant guilty of the crime of slight illegal detention.

Further, in line with current jurisprudence,[46] P75,000.00 as civil indemnity, P75,000.00 as moral damages, and P75,000.00 as exemplary damages shall be awarded to the victim for each count of rape.

WHEREFORE, in view of the foregoing premises, the Regional Trial Court November 29, 2011 Decision in Criminal Case Nos. 2899, 2900, and 2901, and the Court of Appeals March 28, 2014 Decision in CA-G.R. CR-HC No. 05721 are hereby AFFIRMED with the following MODIFICATIONS:

Accused-appellant Bernie Concepcion is found guilty beyond reasonable doubt of two (2) counts of the crime of rape under Article 266-A of the Revised Penal Code, as amended by Republic Act No. 8353, and is sentenced to suffer the penalty of imprisonment of reclusion perpetua for each count. Accused-appellant Bernie Concepcion is found guilty beyond reasonable doubt of the crime of slight illegal detention under Article 268 of the Revised Penal Code, and is sentenced to suffer an indeterminate penalty of imprisonment from nine (9) years and four (4) months of prision mayor in its medium period as minimum to sixteen (16) years and five (5) months of reclusion temporal in its medium period as maximum.

The victim is entitled to the following amounts, for each count of rape: P75,000.00 as civil indemnity; P75,000.00 as moral damages; and P75,000.00 as exemplary damages. The award of damages shall earn interest at the rate of six percent (6%) per annum from the date of the finality of this judgment until fully paid.

The accused shall pay the costs of suit.

SO ORDERED.

Velasco, Jr. (Chairperson), Bersamin, Martires, and Gesmundo, JJ., concur.

[1] The appeal was filed under Rule 124, Section 13(c) of the Rules of Court.

[2] Rollo, pp. 2-22. The Decision, docketed as CA-G.R. CR-HC No. 05721, was penned by Associate Justice Celia C. Librea-Leagogo and concurred in by Associate Justices Franchito N. Diamante and Zenaida T. Galapate-Laguilles of the Fourteenth Division, Court of Appeals, Manila.

[3] CA rollo, pp. 52-57. The Decision, docketed as Crim. Case Nos. 2899, and 2900 and 2901, was penned by Judge Manuel R. Aquino.

- [4] Id. at 57.
- [5] Rollo, pp. 18-19.
- [6] Id. at 3.
- [7] Id. at 3-4.
- [8] Id. at 4.
- [9] CA rollo, p. 74.
- [10] Id. at 74-75.
- [11] Id. at 111.
- [12] Id. at 75.
- [13] Id.
- [14] Id. at 99.
- [15] Id. at 75-76.
- [16] Id. at 76.
- [17] Id. at 53.
- [18] Id. at 52-57.
- [19] Id. at 57.
- [20] Id. at 42.
- [21] Id. at 42-43.
- [22] Id. at 44.
- [23] Id. at 43.
- [24] Id. at 46.
- [25] Id. at 47.
- [26] Id. at 48.
- [27] Rollo, pp. 2-22.
- [28] Id. at 16-17.
- [29] Id. at 18.
- [30] Id. at 19.
- [31] CA rollo, pp. 147-149.
- [32] Id. at 152.
- [33] Rollo, p. 1.
- [34] Id. at 28.

[35] Id. at 30-32. People of the Philippines filed a Manifestation and Motion in Lieu of Supplemental Brief.

[36] Id. at 33-36. Acused-appellant filed a Manifestation (in Lieu of Supplemental Brief).

[37] See *People v. Castel*, 593 Phil. 288 (2008) (Per J. Reyes, En Banc).

[38] Rollo, pp. 16-17.

[39] CA rollo, p. 106.

[40] Id. at 108.

[41] TSN, September 30, 2003, pp. 8-9.

[42] RTC Records, p. 220.

[43] Rollo, p. 18.

[44] Id.

[45] See *People v. Pagalasan*, 452 Phil. 341 (2003) [Per J. Callejo, Sr., En Banc].

[46] See *People v. Jugueta*, G.R. No. 202124, April 5, 2016 <<http://sc.judiciary.gov.ph/pdf/web/viewer.html?file=/jurisprudence/2016/april2016/202124.pdf>> [Per J. Peralta, En Banc].

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.