

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. RUPERTO RUBILLAR, JR. Y GABERON, ACCUSED-APPELLANT.

G.R. No. 224631. August 23, 2017

Ponente: PERLAS-BERNABE, J.

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PERLAS-BERNABE, J.:

Before the Court is an ordinary appeal[1] filed by accused-appellant Ruperto Rubillar, Jr. y Gaberon (Rubillar) assailing the Decision[2] dated August 24, 2015 of the Court of Appeals (CA) in CA-G.R. CR-HC No. 01219-MIN, which affirmed the Judgment[3] dated June 22, 2012 of the Regional Trial Court of Davao City, Branch 11 (RTC) in Crim. Case No. 61,680-07 finding Rubillar guilty beyond reasonable doubt of Rape under the Revised Penal Code (RPC), as amended by Republic Act No. (RA) 8353,[4] otherwise known as the "Anti-Rape Law of 1997."

The Facts

The instant case stemmed from an Information[5] filed before the RTC charging Rubillar of Rape, the accusatory portion of which states:

That on or about October 12, 2006, in the City of Davao, Philippines, and within the jurisdiction of this Honorable Court, the above-mentioned accused, with force and intimidation, [willfully], unlawfully and feloniously had carnal knowledge of [AAA][6] against her will, to her damage and prejudice.

CONTRARY TO LAW.[7]

The parties presented conflicting versions of facts.

Based on AAA's testimony, the prosecution alleged that at around one (1) o'clock in the afternoon of October 12, 2006, AAA was waiting for a jeepney to go to the public market when Rubillar, her father's kumpare, arrived and offered her a ride, to which AAA assented.[8] About four (4) kilometers from where they left, Rubillar stopped the motorcycle and made AAA wear a helmet supposedly to avoid apprehension by the traffic police. However, said helmet had a heavily-tinted face shield, thereby making it difficult for AAA to see. Thereafter, Rubillar drove at a fast speed without stopping at traffic lights. This prompted AAA to tell Rubillar to already drop her off, but the latter drove faster and told her to shut up. They eventually reached a place unfamiliar to AAA - later ascertained as Davao Motel - where Rubillar then drove his motorcycle inside and thereupon, was assisted by a man. AAA wanted to ask for help from the man but he immediately left. When they were left alone, Rubillar dragged her upstairs and pushed her to the bed. Despite AAA's resistance, Rubillar placed himself on top of her, forcibly held her hands, undressed her, and kissed her. He then inserted his penis into AAA's vagina and made a push and pull motion. Afterwards, Rubillar told her to wash herself in the comfort room and, subsequently, to put on the helmet. Rubillar allegedly threatened to kill her should she tell anyone about what happened. They then rode the motorcycle and Rubillar dropped her off at the public market. AAA proceeded to buy groceries and rode a jeepney going home. Thereafter, AAA ran away from home due to fear and embarrassment. Her sister took her home in January 2007 and only then did AAA tell her parents what happened. They reported the incident to the

police.[9]

The prosecution presented other witnesses to testify on subsequent events. Senior Police Officer 1 Annabelle Dacudao testified that she accompanied AAA to the motel to conduct an ocular inspection. It was then that AAA found out the name of the motel and the room where she was brought, i.e., Room 6. Further, Dr. Margarita Isabel Amoroso Artes stated that she examined AAA and found a "definitive penetrating injury" on her hymen.[10]

For his part, Rubillar admitted having carnal knowledge of AAA, but maintained that they were sweethearts since August 2006[11] and their sexual act was consensual. He narrated that per AAA's request, they met at ten (10) o'clock in the morning on the day of the incident to go to AAA's on-the-job training office[12] in Calinan. Rubillar noted that AAA brought her own helmet and that he stopped at the red traffic lights on their way there. After AAA's errand at the office, they proceeded to the machine shop in Cabaguio Street where Rubillar paid for the repairs of a jeepney. As it was about noontime already, he asked AAA to lunch. However, AAA invited him to go to the motel in front of the machine shop instead, to which he agreed. Thus, they checked in at the motel where a room boy met them and led them to a room. In his counter-affidavit,[13] Rubillar alleged that AAA paid for the motel[14] but in his testimony, he claimed to have paid the room boy while AAA went up to the second floor.[15] After receiving the payment, the room boy closed the door and left them. Rubillar then followed AAA upstairs where they talked, kissed, and later on engaged in sexual intercourse twice. He emphasized that the sexual acts were done without force. They left soon thereafter because that day was his daughter's birthday.[16]

Rubillar's claim that he had a relationship with AAA was thereafter corroborated by numerous witnesses.[17] First, Dioter Odiongan (Odiongan), AAA's ex-boyfriend, testified that on September 30, 2006, he attended the festivities in Tagakpan where he saw AAA with Rubillar. AAA then introduced Rubillar to him as her boyfriend and that he saw them hugging each other.[18] Second, Wilson Laguardia (Laguardia), Rubillar's neighbor, stated that in a disco event on October 4, 2006, Rubillar introduced AAA to him as his girlfriend and thereafter borrowed his motorcycle for them to use.[19] Third, Maria Jeneza Kalan (Kalan), who is allegedly AAA's best friend since elementary, narrated that in September 2006, AAA confided to her and Yvonne Calo (Calo) that she was Rubillar's girlfriend. Kalan added that in January 2007, AAA stayed at her house for two days when the latter ran away from home. When Kalan asked why she ran away, AAA replied that "she cannot take any more her mother" and that she is going to elope with Rubillar to Bukidnon.[20] On cross-examination, Kalan clarified that AAA showed no letter, token, or any gift from the accused[21] and that she never saw them together in public either before or after the alleged rape incident.[22] Lastly, Calo, who was allegedly AAA's best friend in high school and half-sister of Rubillar's wife, rebutted AAA's statement that she never talked (had no encounter) with Rubillar prior to the incident and that she was unfamiliar with the places where the motorcycle passed by going to the motel in Davao City, such as the GSIS building, considering that they used to pass by it whenever they went to the main branch of their school during special school activities. According to Calo, Rubillar used to fetch her and AAA several times from their on-the-job training office in Calinan in July 2006, and she noticed that AAA was "very close" to Rubillar and always sat beside him in the jeepney.[23]

Another witness, Pastor Minn Baon (Baon) testified that at around 1:30 in the afternoon of October 12, 2006, along Cabaguio Street, she saw AAA and Rubillar aboard a motorcycle, which passed by quickly about ten meters away from her. She noticed that AAA was embracing Rubillar, with her head on his right shoulder and her eyes looking directly ahead. Baon added that AAA wore a pink blouse underneath a black jacket and a blue helmet with a transparent cover/face shield.[24]

Finally, the defense presented the motel manager and the cashier on duty at the time of the incident. The motel manager explained that the motel has a policy that whenever one of the customers appears forced to enter a room, the room boy must first ask for payment before the customers are led to an assigned room to give enough time to

verify and alert the guard or call the Sta. Ana Police. The cashier on duty testified that there was no unusual incident reported to her on that day.[25] The cashier added that the room boy assigned to Room No. 6 on the day of the incident had passed away.[26]

The RTC Ruling

In a Judgment[27] dated June 22, 2012, the RTC found Rubillar guilty beyond reasonable doubt of Rape and, accordingly, imposed the penalty of reclusion perpetua and ordered him to pay P75,000.00 as civil indemnity and P50,000.00 as moral damages.[28]

The RTC found AAA's testimony straightforward and credible as she positively recounted the incidents that led to the commission of the crime against her. On the other hand, it did not give credence to Rubillar's defense of sweetheart theory, opining that he was not able to satisfactorily prove their relationship through love letters, photos, or even saved text messages between them. The RTC added that even if it were true that they were clandestine lovers, conviction is still warranted as long as the element of force or intimidation attended the sexual act. In this relation, it disagreed with Rubillar's claim that AAA's lack of resistance amounted to consent, pointing out that while testifying, the latter recounted several times how she attempted to resist Rubillar's advances. The RTC further noted that Rubillar had moral ascendancy over AAA considering the former's advanced age and relationship with her father.[29]

Aggrieved, Rubillar appealed[30] to the CA.

The CA Ruling

In a Decision[31] dated August 24, 2015, the CA upheld Rubillar's conviction, finding the prosecution to have established all the elements of the crime charged. More particularly, the CA held that Rubillar employed force and intimidation from the moment he drove the motorcycle at a high speed, frightened her that he would bump the motorcycle if she would not shut up, dragged her to the room, pushed her to the bed, and pinned her down to insert his penis. The CA also gave credence to the medical examination conducted on AAA showing attenuation of hymen. Further, it ruled that even assuming that Rubillar and AAA were lovers, it would not exculpate Rubillar from the crime of rape, explaining that in rape cases, the complainant's testimony is credible where no strong motive for falsely testifying against the accused is shown, as in this case.[32]

Hence, the instant appeal.

The Issue Before the Court

The main issue for the Court's resolution is whether or not Rubillar's conviction for Rape should be upheld.

The Court's Ruling

The appeal is meritorious.

At the outset, it must be stressed that an appeal in criminal cases opens the entire case for review and it is the duty of the reviewing tribunal to correct, cite, and appreciate errors in the appealed judgment whether they are assigned or unassigned.[33] "The appeal confers the appellate court full jurisdiction over the case and renders such court competent to examine records, revise the judgment appealed from, increase the penalty, and cite the proper provision of the penal law." [34]

In deciding Rape cases, it is well to emphasize that such crime is a serious transgression with grave considerations and consequences both to the accused and the complainant. On the one hand, the accused is presumed innocent and shall not be convicted unless his guilt is proven beyond reasonable doubt, in which case, he shall be meted

with a severe penalty. On the other hand, the Court is ever mindful that a young woman would not publicly announce that she was raped if it were not true. No woman would want to expose herself to the process, the trouble, and the humiliation of a rape trial unless she actually has been a victim of abuse and her motive is but to seek atonement for her abuse. In these lights, a painstaking review of the judgment of conviction is required.[35]

Relatedly, three (3) principles guide the Court in reviewing rape cases: (a) an accusation of rape can be made with facility, and while the accusation is difficult to prove, it is even more difficult for the person accused, although innocent, to disprove; (b) considering the intrinsic nature of the crime, only two persons being usually involved, the testimony of the complainant should be scrutinized with great caution; and (c) the evidence for the prosecution must stand or fall on its own merit, and cannot be allowed to draw strength from the weakness of the evidence for the defense.[36] Following these legal precepts, the victim's sole testimony must stand the test of credibility.

Guided by the foregoing principles and after meticulously evaluating the entire case records, the Court holds that the victim's sole testimony examined in light of the other evidence presented in court, failed to establish Rubillar's guilt beyond reasonable doubt, as will be explained hereunder.

Rape under Article 226-A (1) (a) of the RPC, as amended, provides:

Article 266-A. Rape: When And How Committed. - Rape is committed -

1) By a man who shall have carnal knowledge of a woman under any of the following circumstances:

a) Through force, threat or intimidation;

x x x x

To be convicted of Rape under this provision, the prosecution must prove the following elements beyond reasonable doubt: (a) offender had carnal knowledge of the victim; and (b) such act was accomplished through force, threat, or intimidation.[37]

In the present case, Rubillar's invocation of the "sweetheart theory" is essentially an admission of him having carnal knowledge with AAA, albeit maintaining that the same was consensual. Thus, it is crucial to determine whether or not AAA indeed consented to the sexual act, considering that the gravamen of Rape is sexual congress with a woman without her consent.[38] Stated differently, the only question left for the Court to resolve is whether the prosecution has proven the second element beyond reasonable doubt.[39]

The "sweetheart theory" is an affirmative defense often raised to prove the non-attendance of force or intimidation. As afore-stated, it is "effectively an admission of carnal knowledge of the victim and consequently places on accused-appellant the burden of proving the alleged relationship by substantial evidence." [40] In *People v. Patentes* (Patentes)[41] the Court discussed the evidence required in order to support such defense, to wit:

We are mindful that appellant's bare invocation of the sweetheart theory cannot alone stand. It must be corroborated by documentary, testimonial, or other evidence. Usually, these are letters, notes, photos, mementos, or credible testimonies of those who know the lovers.[42] (Emphasis and underscoring supplied)

The "sweetheart theory" operates to impair the victim's testimony or create doubt on her version of the facts when the defense presents sufficient evidence of a relationship between the accused and the victim but the latter simply denies it. Notably, a woman who was sexually abused by a lover has no practicable reason to deny her relationship with the accused in a rape trial because admitting such relationship would not negate her allegation of rape, as the Court has consistently ruled that "a 'love affair' does not justify rape, for the beloved cannot be sexually violated against her will." [43] Nonetheless, if she denies the relationship but it was found existing, she runs the risk of tainting her testimony when her version of the facts is inconsistent with the presence of an

intimate relationship between them. The Court proceeds to resolve this case with this mindset.

In this case, Rubillar's allegation of relationship with AAA was overwhelmingly corroborated by his other witnesses. First, Odiongan testified that prior to the alleged incident, AAA introduced Rubillar to him as his new boyfriend and that he saw them in an intimate embrace.[44] Second, Laguardia recalled that Rubillar introduced AAA to him as his girlfriend through a text message, then, borrowed his motorcycle, which Rubillar and AAA used for about an hour.[45] Third and most relevant is the testimony of Kalan, AAA's long time friend, who testified that AAA explicitly told her that Rubillar was his boyfriend once before the alleged incident and a second time after AAA ran away from home, to wit:

ATTY. PANTOJAN

The testimony of the witness is being offered to prove that she knows the accused in this case being a neighbor in Tagakpan, Tugbok, Davao City; that she also knows [AAA,] the complaining witness in this case and being a long time friend and likewise a neighbor at [Davao City]; that [AAA] sometime in September of 2006 confided and told her that she is the girlfriend of the accused and after the alleged incident that took place on October 12, 2006, [AAA] again informed the witness that she is the accused fsic] girlfriend and at that time, they both decided to elope to Bukidnon. That would be the gist of the [witness's] testimony this morning, Your Honor.

x x x x

DIRECT EXAMINATION OF MARIE JENEZA KALAN

x x x x

Q:

The complaining witness is [AAA], do you know her?

A:

Yes, I know her.

Q:

Why do you know her?

A:

She is my best friend.

x x x x

Q:

The complainant in this case [AAA] filed a case against the accused for rape which was allegedly committed on October 12, 2006. Now, the accused and this [AAA], if you know, what are [sic] they to each other before October 12, 2006?

x x x x

A:

They are (sic) sweethearts.

Q:

Who told you that the accused and [AAA] were sweethearts?

A:

[AAA.]

Q:

When did [AAA] tell you that she and the accused were sweethearts?

A:

September 2006, I forgot the exact date.

Q:

Where did [AAA] tell you of that?

A:

In our house.

Q:

Who were with you at that time that [AAA] told you that she is the sweetheart of the accused?

A:

My other best friend.

Q:

What is the name of your other best friend?

A:

Ivon Calo.

x x x x

Q:

How many times did [AAA] tell you that she is the girlfriend of the accused?

A:

Twice.

Q:

When was the second time that [AAA] told you that she is the girlfriend of the accused?

A:

January 2007.

Q:

Where?

A:

The same in our house.[46] (Emphases supplied)

It appears from these testimonies that Rubillar and AAA mutually acknowledged their clandestine relationship and revealed it to some people close to them. The Court stresses that the finding of a then subsisting relationship between the complainant and the accused raises suspicions on the truthfulness of AAA's testimony, wherein she vehemently denied having a relationship with the accused.

Considering that the defense had sufficiently established the fact of relationship, AAA's version of what happened on the day of the incident now appears incredulous vis-a-vis Rubillar's version. On the one hand, AAA stated that she had not talked with her father's friend, Rubillar, prior to the alleged incident and that he was merely waiting for a jeepney when Rubillar offered her a ride.[47] She then went on board the motorcycle and later on, got scared when Rubillar drove at a fast speed, seemingly without stopping at traffic lights, and went directly to a motel room, wherein they were assisted by a room boy. She alleged that she was too scared to tell the room boy or even attempt to escape even though she felt that she was about to be sexually abused. She added that Rubillar dragged her up the stairs and chased her around the room before he eventually caught up with her, let her lie down on the bed, placed himself on top of her, and undressed them both.

On the other hand, Rubillar narrated that AAA asked for a ride on his motorcycle to go to her on-the-job training office in Calinan, and after she finished her errand there, they went to a repair shop so that Rubillar could pay for the repairs of his jeepney. Thereafter, AAA invited him to the motel across the shop wherein they talked and had their first and only sexual encounter. Rubillar added that they left soon because that day was his daughter's birthday.

Assessing both versions and considering the established fact of relationship between them, there is reasonable doubt as to whether or not the element of force or intimidation attended the sexual act. To reiterate, AAA's denial of the relationship in her version of the facts created doubt on the credibility of her story.

The truthfulness of AAA's testimony is also rendered questionable by Calo's testimony. While AAA claimed that she never talked to Rubillar prior to October 12, 2006, Calo rebutted the same when she testified that Rubillar used to fetch her and AAA from their on-the-job training office in Calinan in July 2006 and that she observed that they appeared "very close" during the trips.[48]

Calo further rebutted AAA's statement that she was unfamiliar with Davao City proper before October 12, 2006, in this wise:

Q:

This time, it was Atty. Pantojan who asked [a] question and the question appears on page 33 of the transcript of the stenographic notes and it goes this way, "Do you recognize GSIS Davao City, when you passed by GSIS on your way where the accused brought you?" Answer: "I don't know if we passed by Ulas, how will I know if we passed by GSIS, to be frank, I am not familiar with the places in downtown. I just from the truck I was riding and looked outside because the place was far. The relatives of Birang knew that I am not familiar with downtown." What can you say to this Answer of [AAA] to the question of Atty. Pantojan?

A:

It is not true because our school is located at Bajada and we passed by GSIS so it's impossible that she does not know the place.

Q:

This school in Bajada, when did [AAA] go to that school in Bajada?

A:

Everytime we have activities like Foundation, we usually go there with [AAA].

Q:

What particular month and year did you go there with [AAA]?

A:

December 2005.

Q:

In the year 2005, if you can remember, how many times did you and [AAA] go to Bajada?

A:

Several times.

Q:

Of course everytime you go with [AAA] to Bajada, what were the places that you passed by from Tagakpan to Bajada?

A:

We passed by Ulas and then GSIS and that we passed by Aldevinco and then going to Bajada.[49] (Emphasis supplied)

The Court adds that the conduct of the victim immediately following the alleged sexual assault is significant in establishing the truth or falsity of the charge of rape.[50] In this case, while about to leave the motel, AAA could have ran away instead of boarding Rubillar's motorcycle. Also, getting off at the public market to do the errands of her mother is not usual for someone who has been raped. Moreover, AAA stated that she left her family's house because she did not want her mother and others to be involved in the alleged rape incident, but Kalan testified that she left the house to elope with "Berang" (Rubillar's alias). Plainly, AAA's act of leaving home to elope with her alleged malefactor is uncharacteristic of one who has been raped and seeks retribution for it. Kalan continued her testimony as follows:

Q:

When was the second time that [AAA] told you that she is the girlfriend of the accused?

A:

January 2007.

Q:

Where?

A:

The same in our house.

Q:

How come that [AAA] was in your house at that time?

A:

She went to our house at that time because she ran away from, home.

Q:

How did you know that?

A:

She herself told me that and to my parents.

Q:

When you saw her in your house in January 2007, what did she bring with her?

x x x x

A:

Suit case.

Q:

Who were with you at that time when [AAA] was there with [a] suit case?

A:

My parents and my siblings.

Q:

And for how long did [AAA] stay in your house at that time?

A:

For two days.

Q:

And on the first time that you saw her in your house, what, if any, did you talk about?

A:

The first thing I asked her [was] why she ran away from home.

Q:

And what was her answer to you?

A:

First, she answered that first, she said, that she cannot take any more her mother.

Q:

And what else did she tell you about her?

A:

She told me that she is going to elope with Berang at Bukidnon.

Q:

And what else?

A:

Those are the things she told me.

Q:

When [AAA] told you this, what was your reaction, if any?

A:

I advised her.

Q:

What did you advise her?

A:

I told he that[, AAA,] that is not good because Berang is married.

Q:

What did she tell you with regards (sic) to your advised (sic)?

A:

She said she doesn't care.

Q:

When for the first time that [AAA] told you that she is the girlfriend of the accused, what did you say to her by way of reply, if any?

A:

I told her that [AAA] (sic) she knows his wife.

Q:

And what was her reply to that?

A:

She said that she cannot stand parting with the man because she loves him so much.[51] (Emphases supplied)

The value of a witness's testimony should be compatible with human knowledge, observation, and common experience, such that whatever is repugnant to these standards becomes incredible and must lie outside judicial cognizance.[52] While it is true that not all victims react the same way after suffering forced coitus,[53] it appears highly unlikely for a victim of rape to cry out that she was sexually abused and, thereafter, to elope with her offender. Otherwise stated, the testimonies of Kalan and Caio rendered AAA's testimony highly suspect. At this point, it is worthy to note that AAA failed to give any reason why her two close friends would testify against her claim of rape in court.

Considering the totality of the evidence presented in this case, the Court doubts whether Rubillar employed force or intimidation upon AAA during their sexual encounter. It must be clarified, however, that the Court's finding

does not mean absolute certainty that Rubillar did not coerce AAA to engage in the act. It is simply that the evidence presented by the prosecution falls short of the quantum of proof required to support a conviction. Jurisprudence has consistently held that "[a] conviction in a criminal case must be supported by proof beyond reasonable doubt, which means a moral certainty that the accused is guilty; the burden of proof rests upon the prosecution." [54] If the prosecution fails to do so, "the presumption of innocence of the accused must be sustained and his exoneration be granted as a matter of right. For the prosecution's evidence must stand or fall on its own merit and cannot be allowed to draw strength from the weakness of the evidence for the defense," [55] as in this case.

As a final note, the Court reminds the members of the bench of their solemn duty to decide cases based on the law and to "free themselves of the natural tendency to be overprotective of every woman claiming to have been sexually abused and demanding punishment for the abuser. While they ought to be cognizant of the anguish and humiliation the rape victim goes through as she demands justice, judges should equally bear in mind that their responsibility is to render justice according to law." [56] As elucidated in *Patentes*:

The testimony of the offended party x x x should not be received with precipitate credulity for the charge can easily be concocted. Courts should be wary of giving undue credibility to a claim of rape, especially where the sole evidence comes from an alleged victim whose charge is not corroborated and whose conduct during and after the rape is open to conflicting interpretations. While judges ought to be cognizant of the anguish and humiliation that a rape victim undergoes as she seeks justice, they should equally bear in mind that their responsibility is to render justice based on the law. [57]

WHEREFORE, the appeal is GRANTED. The Decision dated August 24, 2015 of the Court of Appeals in CA-G.R. CR-HC No. 01219-MIN is hereby REVERSED. Accused-appellant Ruperto Rubillar, Jr. y Gaberon is ACQUITTED on the ground of reasonable doubt. His immediate release from confinement is hereby ordered unless he is detained for some other charge.

SO ORDERED.

Carpio, [*] (Chairperson), Peralta, and Reyes, Jr., JJ., concur.
Caguioa, J., on leave.

[*] Acting Chief Justice per Special Order No. 2469 dated August 22, 2017.

[1] See Notice of Appeal dated March 14, 2016; rollo, pp. 23-24.

[2] *Id.* at 3-22. Penned by Associate Justice Oscar V. Badelles with Associate Justices Romulo V. Borja and Pablito A. Perez concurring.

[3] CA Rollo, pp. 85-97. Penned by Judge Virginia Hofileña-Europa.

[4] Defined and penalized under Article 266-A in relation to 266-B of the RPC, as amended by RA 8353, entitled "AN ACT EXPANDING THE DEFINITION OF THE CRIME OF RAPE, RECLASSIFYING THE SAME AS A CRIME AGAINST PERSONS, AMENDING FOR THE PURPOSE ACT NO. 3815, AS AMENDED, OTHERWISE KNOWN AS THE REVISED PENAL CODE, AND FOR OTHER PURPOSES," approved on September 30, 1997.

[5] Dated June 8, 2007. Records, p. 1.

[6] The identity of the victim or any information which could establish or compromise her identity, as well as

those of her immediate family or household members, shall be withheld pursuant to RA 7610, entitled "AN ACT PROVIDING FOR STRONGER DETERRENCE AND SPECIAL PROTECTION AGAINST CHILD ABUSE, EXPLOITATION AND DISCRIMINATION, AND FOR OTHER PURPOSES," approved on June 17, 1992; RA 9262, entitled "AN ACT DEFINING VIOLENCE AGAINST WOMEN AND THEIR CHILDREN, PROVIDING FOR PROTECTIVE MEASURES FOR VICTIMS, PRESCRIBING PENALTIES THEREFOR, AND FOR OTHER PURPOSES," approved on March 8, 2004; and Section 40 of A.M. No. 04-10-11-SC, otherwise known as the "Rule on Violence Against Women and Their Children" (November 15, 2004). (See footnote 4 in *People v. Cadano, Jr.*, 729 Phil. 576, 578 [2014], citing *People v. Lomaque*, 710 Phil. 338 342 [2013].)

[7] Records, p. 1.

[8] AAA trusted Rubillar as he was their neighbor, her father's friend, and the husband of a distant relative. (See rollo, p. 5)

[9] See rollo, pp. 4-6. See also CA rollo, pp. 85-89.

[10] See CA rollo, pp. 89-90.

[11] See TSN, October 4, 2007, pp. 33-34.

[12] See TSN, April 18, 2011, p. 8.

[13] Dated April 10, 2007. Records, pp. 8-11.

[14] See *id.* at 10.

[15] See TSN, October 4, 2007, pp. 18-22.

[16] See CA rollo, pp. 90-91; records, pp. 8-10; TSN, October 4, 2007, pp. 18-25; and TSN, February 7, 2011, pp. 8-28.

[17] See CA rollo, pp. 90-93.

[18] See TSN, September 19, 2007, pp. 13-16.

[19] See *id.* at 3-5.

[20] See TSN, September 28, 2009, pp. 4-9.

[21] See TSN, September 28, 2009, p. 15.

[22] See TSN, September 28, 2009, p. 19.

[23] See TSN, April 18, 2011, pp. 3-10.

[24] See TSN, October 4, 2007, pp. 2-7.

[25] See CA rollo, pp. 91-92.

[26] See TSN, November 10, 2010, pp. 4-7.

[27] CA rollo, pp. 85-97.

[28] See *id.* at 97.

[29] *Id.* at 94-97.

[30] See Notice of Appeal dated September 14, 2012; CA rollo, pp. 6-8.

[31] Rollo, pp. 3-22.

[32] See *id.* at 11-21.

[33] *People v. Dahil*, 750 Phil. 212, 225 (2015).

[34] See *People v. Cowboy*, G.R. No. 218399, March 2, 2016, 785 SCRA 512, 521.

[35] See *People v. Magayon*, 640 Phil. 121, 131 (2010).

[36] *Id.* at 131-132.

[37] See *People v. Comboy*, *supra* note 34, at 522.

[38] See *People v. Rivera*, 717 Phil. 380, 388-389 (2013).

[39] Proof beyond reasonable doubt does not require absolute certainty, but only moral certainty or that degree of proof that produces conviction in an unprejudiced mind. (See Section 2, Rule 133 of the Rules of Court.) In *Macayan, Jr. v. People* (756 Phil. 202, 213 [2015]), the Court held that "[r]equiring proof beyond reasonable doubt finds basis not only in the due process clause of the Constitution, but similarly, in the right of an accused to be presumed innocent until the contrary is proved."

[40] See *People v. Rivera*, *supra* note 38, at 392.

[41] 726 Phil. 590 (2014).

[42] *Id.* at 604.

[43] *People v. Nogpo, Jr.*, 603 Phil. 722, 743 (2009), citing *People v. Garces, Jr.*, 379 Phil. 919, 937 (2000).

[44] See TSN, September 19, 2007, pp. 13-16.

[45] See TSN, September 19, 2007, pp. 3-5.

[46] TSN, September 28, 2009, pp. 3-7.

[47] See TSN, March 30, 2011, pp. 2-6.

[48] See TSN, April 18, 2011, pp. 3-10.

[49] *Id.* at 9-10.

[50] See *People v. Patentes*, *supra* note 41, at 603.

[51] TSN, September 28, 2009, pp. 7-9.

[52] See *People v. De Guzman*, 690 Phil. 701, 712 (2012).

[53] See *People v. Baldo*, 599 Phil. 382, 389 (2009).

[54] *People v. Patentes*, *supra* note 41, at 606.

[55] *Astorga v. People*, 480 Phil. 585, 596 (2004).

[56] *People v. Palentes*, *supra* note 41, at 593.

[57] *Id.* at 606.

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