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

G.R. No. 229209. February 12, 2020

Ponente: LEONEN, J.

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LEONEN, J.:

The lower court's determination of witness credibility will seldom be disturbed on appeal, unless significant matters have been overlooked. Reversal of these findings becomes even more inappropriate when affirmed by the Court of Appeals.[1]

In determining a victim's credibility in rape cases, however, courts should be wary of adopting outdated notions of a victim's behavior based on gender stereotypes. Regardless of such preconceptions, conviction may be warranted based "solely on the testimony of the victim, provided of course, that the testimony is credible, natural, convincing, and consistent with human nature and the normal course of things."[2]

For this Court's resolution is an appeal filed by ZZZ. He questions the Decision[3] of the Court of Appeals, which affirmed the Regional Trial Court's finding[4] that he was guilty beyond reasonable doubt of raping his granddaughter AAA. The Information charging him with the crime read:

> That during the month of December 2010, at Sitio Anahaw. Barangay Otod, Municipality of San Fernando, Province of Romblon, Philippines, and within the jurisdiction of this Honorable Court, the said accused, through force, threat and intimidation and by taking advantage of the minority and lack of education of [AAA], did then and there willfully, unlawfully and feloniously had (sic) carnal knowledge of [AAA], a minor, 15 years of age, without her consent and against her will and that the commission of this crime of rape demeans, debases and degrades the intrinsic worth and dignity of said [AAA] as a human being.
>
> That the accused is the grandfather of the victim [AAA].
>
> CONTRARY TO LAW.[5]

ZZZ pleaded not guilty during his arraignment,[6] initiating trial. The prosecution offered the testimonies of the victim AAA, Dr. Lolinie Celestial B. Montojo (Dr. Montojo), Rosa Ravalo (Ravalo), and Barangay Captain Manuel Lotec (Barangay Captain Lotec).

AAA testified that she lived together with ZZZ, who was her grandfather, while her mother and other siblings lived separately. As she could neither read nor write, she had to be assisted by an officer from the Department of Social Welfare and Development in executing her sworn statement with the interviewing police officer.[7]

The incident, according to AAA, happened sometime in December 2010, before Christmas. She had been weeding grass near their house prior; it was when she went home, she recalled, that her grandfather raped her. ZZZ placed himself on top of her and kissed her lips and genitals. Then, when he had already undressed her, he turned her sideways and inserted his penis into her vagina. Finally, when the ordeal was over, AAA left the house, went to the forest, and there slept.[8]

When AAA tried to come home the following day, ZZZ allegedly attacked her with a bolo.[9] She was allegedly able to parry ZZZ's attacks, allowing her to run and seek help from Lotec, the barangay captain.[10]

Although she could only recall the December 2010 incident, AAA testified that such incidents where ZZZ raped her would often happen. She was not cross-examined by the defense.[11]

Barangay Captain Lotec testified that on January 9, 2011, he received a report from the barangay record keeper that a child was seeking help because she "was being chased and raped by a certain ZZZ."[12] He asked the record keeper to bring him the child, who turned out to be AAA. When the girl told him that ZZZ had raped her, Barangay Captain Lotec brought her to the police station where a police officer and a local social worker attended to her. Upon cross-examination, Barangay Captain Lotec described AAA during their conversation as "pale and trembling."[13]

Rosa Ravalo (Ravalo) testified that she was the social worker who acted as AAA's guardian when the case was filed at the police station. She assisted AAA in executing her affidavit by translating the Tagalog statement, which AAA did not understand, to Visayan. She also interviewed AAA about the rape and accompanied her to her medical exam. On cross-examination, Ravalo admitted that when she reached the station, AAA was already being interviewed by a police officer. On re-direct examination, she identified her signature on AAA's affidavit.[14]

Dr. Montojo, AAA's examining physician, testified that she interviewed and examined the girl regarding the incident in December 2010. Dr. Montojo was not cross-examined, as the parties stipulated on the existence and due execution of AAA's medical certificate.[15]

For the defense, only ZZZ was presented as witness. He denied the accusation that he raped his granddaughter, claiming that his advanced age has long made him incapable of having an erection.[16]

After trial, the Regional Trial Court rendered a March 8, 2013 Decision[17] finding ZZZ guilty beyond reasonable doubt of raping AAA. It disposed as follows:

> WHEREFORE, judgment is rendered finding accused [ZZZ] GUILTY beyond reasonable doubt of the crime of Rape, defined and penalized under Article 266-A, par. 1 (a) or the Revised Penal Code and hereby sentence (sic) to suffer the penalty of reclusion perpetua pursuant to Art. 266-B of the Revised Penal Code and to pay the complainant [AAA] the sums of P75,000.00 as indemnity and P50,000.00 as moral damages.
>
> SO ORDERED.[18]

The trial court found AAA's testimony credible and sufficiently corroborated by the medico-legal certificate and the other witnesses' testimonies. It likewise appreciated Barangay Captain Lotec's testimony of having seen AAA pale and trembling as corroborative proof that AAA was telling the truth about her rape. It also noted that AAA's sworn statement was uncontroverted by the defense. To the trial court, her positive testimony prevailed over ZZZ's defense of denial.[19]

However, the trial court did not appreciate AAA's alleged minority as the prosecution failed to present proof of her age at the time of her rape.[20]

ZZZ appealed to the Court of Appeals.[21] He questioned AAA's credibility, particularly because her account of having parried his alleged hacking at her with a bolo, without sustaining any injury, was supposedly unbelievable.[22]

ZZZ also discredited the other prosecution witnesses. He asserted that Barangay Captain Lotec's testimony was hearsay because it was based only on what was told by their record keeper, who was not even presented as witness.[23] As for Ravalo, ZZZ claimed that her participation was limited only to translating AAA's affidavit to

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a language that AAA could understand. Moreover, ZZZ insisted that the medical certificate was "equivocal and inconclusive"[24] as it only indicated old , healed lacerations of AAA's hymen, without indication of whether it was caused by penile penetration, let alone that it was done by ZZZ.[25]

Finally, ZZZ objected to the trial court's treatment of his denial and alibi as inherently weak in the face of AAA's positive identification. Citing jurisprudence, he countered that "[a] lying witness can make as positive an identification as a truthful witness can."[26]

On the other hand, the Office of the Solicitor General argued in its Brief that the prosecution was able to establish all the elements of rape. It detailed how AAA's testimony identified ZZZ as the person who had carnal knowledge of her while holding moral ascendancy over her as her grandfather and father figure.[27]

The Office of the Solicitor General further argued that the testimonies of the prosecution's witnesses were credible. According to it, the victim's statement "says in effect all that is necessary to show that rape has been committed,"[28] which, if credible, warrants conviction. It pointed out that AAA escaped from ZZZ's attack unscathed because she successfully parried his bladed weapon, and that during the interview, she appeared pale and trembling-only normal behavior for one who escaped such an attack. It also posited that Barangay Captain Lotec's testimony corroborated AAA's statement, as he was able to personally interview her.[29]

Further, the Office of the Solicitor General argued that the medical certificate did not need to conclude that AAA's injuries were caused by sexual abuse to corroborate her testimony of rape. It maintains that a finding of old and healed lacerations has been deemed in jurisprudence as "compelling physical proof of defloration."[30]

As to the impotency claim, the Office of the Solicitor General asserted that such defense was in vain. It argued that impotency should be proven with certainty to overcome the presumption of potency-one that ZZZ failed to do, with only bare allegations as his proof.[31]

Finally, the Office of the Solicitor General reiterated the rule that denial and alibi cannot stand against the positive and credible witness testimony identifying the accused as the perpetrator. It asserted that the prosecution witnesses' testimonies clearly established ZZZ's criminal liability.[32]

In any event, the Office of the Solicitor General maintained that, absent matters that were overlooked, the trial court's appreciation of the witnesses' comportment was entitled to the highest respect, it having had the opportunity to observe the witnesses' demeanor during trial.[33]

In its November 3, 2015 Decision,[34] the Court of Appeals affirmed the trial court's findings and declared ZZZ guilty beyond reasonable doubt of rape. However, it modified the damages imposed:

> WHEREFORE, in the light of the foregoing premises, the instant APPEAL is hereby DENIED and the Decision dated March 8, 2013 of the Regional Trial Court of Romblon in Criminal Case No. 2919 on the guilt of accused-appellant [ZZZ] guilty beyond reasonable doubt of the crime of rape is hereby AFFIRMED with MODIFICATION insofar as the award of P75,000.00 as civil indemnity which is reduced to P50,000.00. In addition to the award of P50,000.00 as moral damages, the appellant is ordered to pay exemplary damages in the amount of P30,000.00, with legal rate of interest of six (6) percent per annum on all monetary awards from the date of finality of this Judgment.
>
> SO ORDERED.[35]

The Court of Appeals found AAA's testimony credible and sufficiently corroborated by the other prosecution witnesses' testimonies. According to it, AAA "positively identified [ZZZ] as her abuser [and] did not waver on the material points of her testimony."[36] Even if ZZZ's contentions on the absence of corroboration were to be believed, the Court of Appeals held that "corroboration is not indispensable for condemnation[.]"[37]

The Court of Appeals also found no merit in ZZZ's argument that sexual intercourse was impossible as his advanced age allegedly rendered him impotent. Not only did it find no proof of his supposed impotence, but it also held that "age is not a criterion taken alone in determining sexual interest and capability of middle-aged and older people."[38] On the contrary, the Court of Appeals cited the medical report finding lacerations in AAA's hymen, which it took together with AAA's positive identification of ZZZ as assailant as proof of the rape.[39]

On November 13, 2015, ZZZ filed a Notice of Appeal, which the Court of Appeals gave due course to, later elevating the case records to this Court.[40] Upon noting receipt of the case records, this Court ordered the parties to submit supplemental briefs.[41] Both parties manifested that their Briefs before the Court of Appeals sufficiently discussed their arguments.[42]

The case presents the sole issue of whether or not the prosecution was able to prove beyond reasonable doubt the guilt of accused-appellant ZZZ for the crime of rape.

The appeal is dismissed.

The Court of Appeals correctly affirmed the Regional Trial Court's Decision holding accused-appellant guilty beyond reasonable doubt of rape. Article 266-A of the Revised Penal Code prescribes rape, as follows:

> 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;
>
> b) When the offended party is deprived of reason or otherwise unconscious;
>
> c) By means of fraudulent machination or grave abuse of authority; and
>
> d) When the offended party is under twelve (12) years of age or is demented, even though none of the circumstances mentioned above be present.

Here, as the lower courts found, accused-appellant had carnal knowledge of AAA without her consent and by using his moral ascendancy over her as her grandfather and father figure.

While accused-appellant attempts to cast doubt on the credibility of the prosecution's witnesses, the settled rule is that the trial court's determination of witness credibility will not be disturbed on appeal unless significant matters have been overlooked. Such determination is treated with respect, as the trial court has the opportunity to observe the witnesses' demeanor during trial. Its findings assume even greater weight when they are affirmed by the Court of Appeals.[43]

Here, the Regional Trial Court found AAA's testimony credible and sufficiently corroborated.[44] Her straightforward and positive testimony that her grandfather raped her, Barangay Captain Lotec's testimony stating that she was "pale and trembling," the medical certificate indicating lacerations to her hymen, and accused-appellant's own admission of the paternal relationship between him and the victim were collectively deemed sufficient for conviction. For its part, the defense did not even cross-examine AAA to test her credibility.[45]

These findings were then affirmed by the Court of Appeals, which found AAA to be unwavering in "the material points of her testimony."[46] Therefore, the lower courts' findings on AAA's credibility should be upheld, more so in view of accused-appellant's failure to raise any cogent reason for reversal.

Accused-appellant also assails AAA's credibility on her testimony that he attempted to kill her. He claims that it was dubious how AAA sustained no physical injuries if he really did attack her with a bladed weapon. These

matters, however, are irrelevant to the crime charged and do not deserve consideration. People v. Nelmida[47] teaches that "[a]n inconsistency, which has nothing to do with the elements of a crime, is not a ground to reverse a conviction."[48] In any event, the Court of Appeals correctly upheld the Office of the Solicitor General's argument that it was not impossible to escape such an attack unscathed if AAA had successfully parried the bladed weapon.[49]

Nonetheless, at this juncture, this Court takes the opportunity to reify contemporary standards in rape cases. In assessing AAA's credibility, the Court of Appeals held that "it is against human nature for a young girl to fabricate a story that would expose herself as well as her family to a lifetime of shame"[50]-effectively reiterating an outdated standard for assessing witness credibility. Rather, this Court's discussion in People v. Amarela[51] is more timely and appropriate for this case:

> More often than not, where the alleged victim survives to tell her story of sexual depredation, rape cases are solely decided based on the credibility of the testimony of the private complainant. In doing so, we have hinged on the impression that no young Filipina of decent repute would publicly admit that she has been sexually abused, unless that is the truth, for it is her natural instinct to protect her honor. However, this misconception, particularly in this day and age, not only puts the accused at unfair disadvantage, but created a travesty of justice.
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> ....
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> This opinion borders on the fallacy of non sequitur. And while the factual setting back then would have been appropriate to say it is natural for a woman to be reluctant in disclosing a sexual assault; today, we simply cannot be stuck to the Maria Clara stereotype of a demure and reserved Filipino woman. We, should stay away from such mindset and accept the realities of a woman's dynamic role in society today; she who has over the years transformed info a strong and confidently intelligent and beautiful person, willing to fight for her rights.
>
> In this way, we can evaluate the testimony of a private complainant of rape without gender bias or cultural misconception. It is important to weed out these unnecessary notions because an accused may be convicted solely on the testimony of the victim, provided of course, that the testimony is credible, natural, convincing, and consistent with human nature and the normal course of things. Thus, in order for us to affirm a conviction for rape, we must believe beyond reasonable doubt the version of events narrated by the victim.[52] (Emphasis supplied, citations omitted)

Thus, in Amarela, the accused was acquitted because the victim's account was improbable and marred by inconsistencies, regardless of the existing preconception that a Filipino woman's honor would prevent her from lying about her ordeal.

Likewise, in People v. Perez,[53] the victim had openly expressed infatuation for her assailant prior to being abused, contrary to the fictional Maria Clara stereotype. However, the victim's digression from this stereotype neither diminished the heinousness of what was done to her. Nor did it detract from her credibility, as her testimony was independently believable and sufficiently corroborated by other evidence adduced by the prosecution. This Court stated:

> This Court in Amarela, however, did not go as far as denying the existence of patriarchal dominance in many social relationships. Courts must continue to be sensitive to the power relations that come clothed in gender roles. In many instances, it does take courage for girls or women to come forward and testify against the boys or men in their lives who, perhaps due to cultural roles, dominate them. Courts must continue to acknowledge that the dastardly illicit and lustful acts of men are often veiled in either the power of coercive threat or the inconvenience inherent in patriarchy as a culture.
>
> Even if it were true that AAA was infatuated with the accused, it did not justify the indignity done to her. At

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> the tender age of 12, adolescents will normally be misled by their hormones and mistake regard or adoration for love. The aggressive expression of infatuation from a 12-year-old girl is never an invitation for sexual indignities. Certainly, it does not deserve the accused's mashing of her breasts or the insertion of his finger into her vagina.
>
> Consistent with our pronouncement in Amarela. AAA was no Maria Clara. Not being the fictitious and generalized demure girl, it does not make her testimony less credible especially when supported by the other pieces of evidence presented in this case.[54] (Emphasis supplied, citations omitted)

Here, AAA's account of having been attacked by accused-appellant was sufficiently corroborated by Barangay Captain Lotec's testimony that he saw AAA "pale and trembling." Such description is based on his personal knowledge, having actually observed and spoken to AAA regarding her ordeal. This, taken with the prosecution's other corroborating evidence and AAA's straightforward identification of accused-appellant as the perpetrator, makes AAA's testimony sufficiently credible-independent of her perceived propensity for truthfulness based on gender stereotypes.

Finally, accused-appellant attempts to cast doubt on his conviction by arguing that his advanced age made erection-and thus, sex-impossible. This argument is unmeritorious. Th e lower courts correctly held that impotence must be proven with certainty in order to overcome the presumption of potency.[55] As this Court has held:

> Clearly, the presumption had always been in favor of potency. Stated differently, impotency-the physical inability to have sexual intercourse-is considered an abnormal condition and should not be presumed ...
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> ....
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> In rape cases, impotency as a defense must be proven with certainty to overcome the presumption in favor of potency. Under the present circumstances, the evidence proffered by the defense failed to discharge such burden, inasmuch as the very testimony of Dr. Wilma Flores-Peralta repudiates the claim that accused-appellant could not have performed the sexual act.[56]

The Court of Appeals did not find any reason to overturn the trial court's findings, and neither do we. This Court finds that AAA positively identified accused-appellant as the assailant. The elements of simple rape- that he had carnal knowledge of AAA without her consent and by using his moral ascendancy over her given their paternal relationship-were duly established by AAA's testimony, admissions by accused-appellant, and the prosecution's other corroborating evidence. Again, unless important matters have been overlooked, the trial court's determination of witness credibility will seldom be disturbed on appeal-especially when they are affirmed by the Court of Appeals.[57]

However, the Court of Appeals' imposition of monetary liability on accused-appellant must be modified. People v. Jugueta[58] provides:

> When the circumstances surrounding the crime call for the imposition of reclusion perpetua only, there being no ordinary aggravating circumstance, the Court rules that the proper amounts should be P75,000.00 as civil indemnity, P75,000.00 as moral damages and P75,000.00 exemplary damages, regardless of the number of qualifying aggravating circumstances present.[59]

Since accused-appellant was meted the penalty of reclusion perpetua for raping AAA, accused-appellant must be held liable to the modified amounts of P75,000.00 each as civil indemnity, moral damages, and exemplary damages.

WHEREFORE, this Court AFFIRMS with MODIFICATIONS the Court of Appeals' November 3, 2015 Decision

in CA-G.R. CR-HC No. 06088. Accused-appellant ZZZ is found GUILTY beyond reasonable doubt of rape under Article 266-A of the Revised Penal Code and is sentenced to suffer the penalty of reclusion perpetua. He is ordered to pay the private complainant, AAA, as civil indemnity, moral damages, and exemplary damages worth P75,000.00 each.

All damages awarded shall be subject to interest at the rate of six percent (6%) per annum from the finality of this Decision until full payment.[60]

SO ORDERED.

Gesmundo, Zalameda, and Gaerlan, JJ., concur.
Carandang, J., on special leave.

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[1] People v. Diu, 708 Phil. 218, 232 (2013) [Per J. Leonardo-De Castro, First Division].

[2] People v. Amarela, G.R. No. 225642-43, January 17, 2018, 852 SCRA 54, 68 [Per J. Martires, Third Division].

[3] CA rollo, pp. 76-85. The Decision was penned by Associate Justice Eduardo B. Peralta, Jr. and concurred in by Associate Justices Noel G. Tijam (now a retired member of this Court) and Francisco P. Acosta of the Fourth Division, Court of Appeals, Manila.

[4] Id. at 18-23. The March 8, 2013 Decision was penned by Executive Judge Ramiro R. Geronimo of Branch 18, Regional Trial Court of Romblon, Romblon.

[5] Id. at 18.

[6] Id.

[7] Id. at 20.

[8] Id.

[9] Id. at 33.

[10] Id. at 20 and 64.

[11] Id. at 20.

[12] Id.

[13] Id.

[14] Id. at 19.

[15] Id.

[16] Id. at 21 and 34.

[17] Id. at 18-23.

[18] Id. at 22.

[19] Id. at 21-22.

[20] Id. at 22.

[21] Id. at 29-41.

[22] Id. at 35.

[23] Id.

[24] Id. at 36.

[25] Id. at 36-37.

[26] Id. at 38.

[27] Id. at 62-63.

[28] Id. at 63.

[29] Id. at 64-65.

[30] Id. at 66.

[31] Id. at 66-67.

[32] Id. at 67.

[33] Id. at 64.

[34] Id. at 76-85.

[35] Id. at 84-85.

[36] Id. at 81.

[37] Id.

[38] Id. at 82.

[39] Id.

[40] Rollo, pp. 1 and 12-15.

[41] Id. at 17.

[42] Id. at 18-21, accused-appellant's Manifestation and 22-25, plaintiff-appellee's Manifestation.

[43] People v. Diu, 708 Phil. 218, 232 (2013) [Per J. Leonardo-De Castro, First Division].

[44] CA rollo, pp. 21-22.

[45] Id. at 20.

[46] Id. at 81.

[47] 694 Phil. 529 (2012) [Per J. Perez, En Banc].

[48] Id. at 559.

[49] CA rollo, pp. 80-81.

[50] Id. at 82.

[51] G.R. No. 225642-43, January 17, 2018, 852 SCRA 54 [Per J. Martires, Third Division].

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[52] Id. at 67-68.

[53] G.R. No. 201414, April 18, 2018, <http://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/64141> [Per J. Leonen, Third Division].

[54] Id.

[55] People v. Cruz, 612 Phil. 726, 735 (2009) [Per J. Velasco, Jr., Third Division].

[56] People v. Austria, 389 Phil. 737, 753-754 (2000) [Per J. Buena, Second Division].

[57] People v. Diu, 708 Phil. 218, 232 (2013) [Per J. Leonardo-De Castro, First Division].

[58] 783 Phil. 806 (2016) [Per J. Peralta, En Banc].

[59] Id. at 840.

[60] Nacar v. Gallery Frames, 716 Phil. 267 (2013) [Per J. Peralta, En Banc].

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