

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. JOEL OVANI, JR. Y SALAZAR, ACCUSED-APPELLANT.

G.R. No. 247624. June 16, 2021

Ponente: INTING, J.

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INTING, J.:

This is an appeal[1] assailing the Decision[2] dated April 18, 2018 of the Court of Appeals (CA) in CA-G.R. CR HC No. 09396 which affirmed the Decision[3] dated April 7, 2017 of Branch 94, Regional Trial Court (RTC), Quezon City in Criminal Case Nos. R-QZN-15-09002-CR and R-QZN-15-09003-CR finding Joel Ovani, Jr., y Salazar (accused--appellant) guilty beyond reasonable doubt of two counts of Rape under paragraph 1(a), Article 266-A of the Revised Penal Code (RPC), as amended by Republic Act No. (RA) 8353.[4]

The Antecedents

The case stemmed from two (2) separate Informations[5] dated May 16, 2013, to wit:

In Criminal Case No. R-QZN-15-09002-CR:

That on or about the 17[th] day of April 2012, in Quezon City, Philippines, the said accused, by means of force and intimidation, did then and there willfully, unlawfully and feloniously have carnal knowledge of [AAA][6] a minor, 15 years old, without her consent and against her will, to the damage and prejudice of the said offended party.

CONTRARY TO LAW.[7]

In Criminal Case No. R-QZN-15-09003-CR:

That on or about the 12[th] day of April 2012, in Quezon City, Philippines, the said accused, by means of force and intimidation, did then and there willfully, unlawfully and feloniously have carnal knowledge of [AAA] a minor, 15 years old, without her consent and against her will, to the damage and prejudice of the said offended party.

CONTRARY TO LAW.[8]

Upon motion of the public prosecutor, the RTC ordered the consolidation of the aforementioned criminal cases. At the arraignment, accused-appellant pleaded not guilty to both charges.[9]

Trial on the merits ensued.

The prosecution presented the following witnesses: (1) the minor victim, AAA; (2) Police Chief Inspector Shane Lore A. Dettabali (PCI Dettabali), Medico-Legal Officer of the Philippine National Police (PNP) Crime Laboratory; and (3) Senior Police Officer I Corina Angeles.

On the other hand, the defense presented accused-appellant as its lone witness.

AAA was 15 years old when the alleged rape incidents were committed against her person, while

accused-appellant was then 18 years old.[10] Accused-appellant and AAA both lived in the same barangay. They were acquaintances for three years, and became boyfriend and girlfriend through text messages two days before the alleged rape incidents took place.[11]

The prosecution established that on April 12, 2012, at around 2:00 p.m., accused-appellant and AAA went to the house of accused- appellant's aunt, YYY. Upon arriving thereat, AAA noticed that they were alone in the house. Suddenly, accused-appellant held AAA's hands and kissed her on the neck. AAA tried to free herself, but accused- appellant's grip was so tight. Accused-appellant removed AAA's short pants, went on top of her, and forcibly inserted his penis into her vagina despite AAA's pleas for him to stop.[12] It lasted for about five minutes. During the incident, AAA cried and begged accused-appellant to stop.[13] Accused-appellant threatened AAA that something bad would happen to her if somebody heard them.[14] AAA then noticed that her vagina was bleeding.[15] Thereafter, AAA struggled to go home all by herself.[16]

On April 17, 2012, at around 1:00 p.m., accused-appellant told AAA to go with him again to his aunt's house. He threatened her that he would tell everyone of what happened between them if she refuses to go with him. Intimidated by the threat of accused-appellant, AAA obliged. Again, upon arriving at his aunt's house, accused-appellant forcibly kissed AAA, removed her clothes, went on top of her, and inserted his penis into her vagina. After satisfying his lust, accused-appellant prevented AAA from immediately leaving the house. Out of fear, AAA stayed for three hours. Accused-appellant threatened AAA that he would ruin her life by telling everybody of what transpired between them. At around 9:00 p.m., AAA went home all by herself.[17]

On April 19, 2012, AAA's parents noticed that AAA was acting strangely. When they confronted her, AAA confessed that accused- appellant forced her to have sex with him. The revelation infuriated AAA's parents. Consequently, on April 20, 2012, AAA and her mother reported the incidents to the police authorities. The police authorities brought AAA to the PNP Crime Laboratory, Camp Crame, Quezon City for examination. PCI Dettabali, the Medico-Legal Officer, concluded in her Medico-Legal Report No. R12-387 dated April 21, 2012 that there was a "clear evidence of blunt penetrating trauma to the hymen." [18]

In his defense, accused-appellant denied having committed the crimes. He insisted that although he had sexual intercourse with AAA, it was consensual.[19]

The RTC Ruling

The RTC rendered the Decision[20] dated April 7, 2017 finding accused-appellant guilty beyond reasonable doubt of two counts of Rape. The dispositive portion of the Decision states:

WHEREFORE, premises considered, accused Joel Ovani, Jr., y Salazar is hereby found guilty beyond reasonable doubt of the crime of rape under Article 266-A paragraph 1(a) of the Revised Penal Code as amended by Republic Act No. 8353 (2 counts) and he is sentenced to suffer the penalty of reclusion perpetua in each case.

Accused is further ordered to pay private complainant AAA the amounts of P75,000.00 as civil indemnity, P75,000.00 as moral damages and P75,000.00 as exemplary damages. All damages awarded shall earn interest at the rate of 6% per annum from the date of finality of judgment until full payment.

SO ORDERED.[21]

The RTC heavily relied on AAA's testimony. According to the RTC, AAA consistently, positively, and categorically identified accused- appellant as her abuser. It emphasized that AAA even demonstrated with the use of anatomically correct dolls what accused-appellant did to her. The RTC held that all elements of rape were proven beyond reasonable doubt.[22]

The CA Ruling

In the assailed Decision[23] dated April 18, 2018, the CA denied the petition and affirmed in toto the RTC Decision, thus:

WHEREFORE, the appealed Decision dated April 7, 2017 of the trial court is AFFIRMED.

SO ORDERED.[24]

According to the CA, accused-appellant's invocation of "sweetheart theory" meant that he admitted having carnal knowledge of AAA. The CA found no evidence to show that the two episodes of sexual intercourse were consensual. Moreover, it ruled that the fact that accused-appellant and AAA were sweethearts does not necessarily negate AAA's lack of consent to the sexual encounters with accused-appellant.[25] It added that "a love affair does not justify rape, for the beloved cannot be sexually violated against her will, as love is not a license for lust." [26]

Hence, the instant appeal.

Accused-appellant manifested that to avoid being repetitious, he was adopting all the arguments raised in his Brief for the Accused--Appellant.[27] The Office of the Solicitor General (OSG) similarly manifested that the plaintiff-appellee will no longer file a supplemental brief and that in lieu thereof, the Brief for the Plaintiff-Appellee filed with the CA shall be considered in the resolution of the present appeal.[28]

In the Brief for the Accused-Appellant,[29] herein accused-appellant ascribed error to the RTC for giving credence and weight to AAA's testimony. He maintained that the RTC erred in not considering his defense of denial. According to him, not all denials and alibis should be regarded as fabricated. He insisted that his denial of the use of force and intimidation was supported by corroborating testimonies. Further, he argued that the failure of AAA to shout during the alleged rape incidents and her unusual behavior after each incident impaired her credibility as a witness.[30]

On the other hand, the OSG, in the Brief for the Plaintiff--Appellee,[31] countered that accused-appellant's guilt has been proven beyond reasonable doubt. It averred that AAA's testimony established all the elements of the crime of rape. It argued that AAA's failure to shout for help was out of fear as can be gleaned from her testimony. It further contended that the medical findings that the healed laceration in AAA's vagina which could have been caused by a previous sexual intercourse will not negate the consummation of rape.[32]

Issue

Whether the CA correctly affirmed accused-appellant's conviction.

Our Ruling

The appeal is without merit.

Well settled is the rule that the matter of ascribing substance to the testimonies of witnesses is best discharged by the trial court, and the appellate courts will not generally disturb the findings of the trial court in this respect.[33] Findings of the trial court which are factual in nature and which involve the credibility of witnesses are accorded with respect, if not finality by the appellate court, when no glaring errors, gross misapprehension of facts, and speculative, arbitrary, and unsupported conclusions can be gathered from such findings.[34] The reason is quite simple: the trial judge is in a better position to ascertain the conflicting testimonies of witnesses after having heard them and observed their deportment and mode of testifying during the trial. The task of taking on the issue of credibility is a function properly lodged with the trial court. Thus, generally the Court will not reexamine evidence that had been analyzed and ruled upon by the trial court.[35]

After a judicious perusal of the records of the instant appeal, the Court finds no compelling reason to depart from the RTC and CA's uniform factual findings. The Court affirms accused-appellant's conviction.

Accused-appellant was indicted for Rape under paragraph 1, Article 266-A, in relation to Article 266-B of the RPC, as amended, which provides as follows:

Art. 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

x x x

x x x x

Art. 266-B Penalties. — Rape under paragraph 1 of the next preceding article shall be punished by reclusion perpetua.

Under paragraph 1(a), Article 266-A of the RPC, the elements of Rape are: (1) that the offender had carnal knowledge of a woman; and (2) that such act was accomplished through force, threat, or intimidation.[36] From these requisites, it can thus be deduced, that rape is committed the moment the offender has sexual intercourse with a woman by using force or intimidation.[37] The gravamen of the crime of Rape is sexual congress with a woman by force and without consent.[38]

The Court concurs with the findings of the RTC, as affirmed by the CA, that the prosecution was able to establish beyond reasonable doubt the elements of Rape under paragraph 1(a) Article 266-A of the RPC. AAA painstakingly recalled how accused-appellant succeeded in having carnal knowledge of her through force, threat, and intimidation. In her "Malaya at Kusang-Loob na Salaysay" dated April 20, 2012,[39] AAA categorically stated that accused-appellant forcibly raped her in two occasions, thus:

7.

T:

Kailan at saan nangyari ang sinasabi mong insidente?

S:

Yung una po ay sa pagitan ng 2:00-6:00 ng hapon, April 12, 2012 at yung pangalawa po ay noong April 17, 2012 bandang 6:00 ng hapon sa loob ng bahay ng Tita ni Joel sa may Samasa St., Sitio Arguadiante, Novaliches, Quezon City.

8.

T:

Maari mo bang isalaysay sa akin ang mga pangyayari?

S:

Ganito po yun, noon pong April 12, 2012 bandang 2:00 ng hapon hanggang 6:00 ng hapon, nasa loob po kami

ng hahay ng Tita ni Joel sa may Samasa St., at habang kami ay nag-uusap, biglang iba na lang ang kinilos ni JOEL. Hinawakan po niya ang aking mga kamay at hinalikan po ako sa aking leeg. Pumipiglas po ako pero sobrang higpit ng hawak niya sa akin. Kung kayat di ko siya mapigilan sa kanyang mga ginagawa. Hinubaran po niya ako ng short at dinaganaan at pinasok po niya ang ari niya sa akin. Nakikiusap po ako sa kanya na itigil na niya pero hindi niya ako pinakikinggan.

x x x x

10.

T:

Ano pa ang sumunod na nangyari?

S:

Noon pong April 17, 2012 ay personal akong kinausap ni JOEL at tinatakot niya ako na ipagkakalat niya ang nangyari sa aming dalawa kung di ako makikipagkita sa kanya sa bahay ng Tita niya. Kayat napilitan po akong magpunta doon. Pagdating po sa bahay ng Tita niya ay muli niyang ginawa sa aking ang ginawa niya noong April 12, 2012. Sapilitan niya akong hinalikan, hinubaran at dinaganaan at ipinasok ang kanyang ari sa akin. Tinakot niya po ulit ako na ipagkakalat niya ang nangyari sa amin at sisirain ang buhay ko. Sinabi din po niya sa akin na di daw ako pwede lumayo sa kanya kasi siya ang nakauna sa akin. Guguluhin daw niya ang buhay ko kapag di ako nakipagkita sa kanya.[40] (*Italics supplied.*)

AAA affirmed her sworn statements during direct examination and maintained that she was raped by accused-appellant.[41] On cross--examination, AAA explained that she was not able to shout for help at the time of the rape incidents as she was so afraid and that she could not do anything at all, thus:

"Q

When the alleged rape was committed by the accused as you allegedly said in your Salaysay, that was committed allegedly on April 12, 2012, Madam Witness, am I correct that you did not shout or make any commotion inside the house, right?

A

No, ma'am.

Q

But am I correct, Madam Witness, that you can do so if you want to, right?

A

No,ma'am.

Q

What do you mean by 'no'?

A

Hindi ko po...

Q

You do not want?

A

Hindi ko po maikilos iyong katawan ko po kasi malakas po siya, eh'.

x x x x

Q

Madam witness, on your second allegation that on April 17, 2012, another alleged commission of Rape by herein accused, you stated here in your Salaysay that second encounter of alleged rape by the accused against you was also committed in the same house, the accused aunt's house, correct?

A

Yes, ma'am.

Q

And again, Madam Witness, you went there freely and voluntarily for the second time, correct?

A

No, ma'am.

Q

What do you mean 'no'?

A

Tinakot niya po ako na ipagkakalat daw po niya ako, ipagkakalat daw po niya, gagawin daw niya ang lahat para masira ang buhay ko.

x x x x

Q

And for the second time, Madam Witness, that according to you, the accused committed the crime of Rape against you, you did not shout again even if you can do so, correct?

A

'Tinakot niya po ako.'[42]

Evidently, AAA was unable to shout for help and put up a forceful resistance because accused-appellant threatened her. AAA could not do anything against accused-appellant's physical strength and the psychological intimidation because of accused-appellant's threat to destroy her life by telling everyone of what happened between them.

In *People v. Briones*,^[43] the Court emphasized that force and intimidation as an element of Rape need not be irresistible; thus:

It must be borne in mind that FFF was only twelve (12) years old when Briones, nineteen (19), raped her. It is a settled rule that the force contemplated by law in the commission of rape is relative, depending on the age, size, or strength of the parties. It is not necessary that the force and intimidation employed in accomplishing it

be so great and of such character as could not be resisted; it is only necessary that the force or intimidation be sufficient to consummate the purpose which the accused had in mind. As such, We sustain the CA when it rejected Briones' claim that the element of force, threat, or intimidation was not proven in this case as shown by the fact that FFF did not shout during the incident. Neither did she immediately report the same. Indeed, force or intimidation, as an element of rape, need not be irresistible; it may be just enough to bring about the desired result. What is necessary is that the force or intimidation be sufficient to consummate the purpose that the accused had in mind or is of such a degree as to impel the defenseless and hapless victim to bow into submission.[44]

AAA's testimony that accused-appellant inserted his penis into her vagina is consistent with the findings of the Medico-Legal Officer, i.e., that AAA suffered deep healed hymenal lacerations which is a clear evidence of blunt penetrating trauma to the hymen.[45] Thus, there is no doubt that sexual intercourse took place.

Accused-appellant interposes the "sweetheart theory" as a defense and argues that AAA consented to the sexual act. He asserts that what happened between them was "usual for sweethearts, kissing and satisfying their mutual affection by performing sexual act more or less 10 times, even prior to the alleged incident of rape." [46]

As ruled by the CA, the fact that accused-appellant and AAA were sweethearts does not necessarily negate AAA's lack of consent to the sexual encounters with accused-appellant. Having a relationship with the victim is not a license to have sexual intercourse against her will, and will not exonerate the accused from the criminal charge of rape as "being sweethearts does not prove consent to the sexual act." [47] The fact that AAA and accused-appellant were sweethearts was no excuse in the eyes of the law for him to employ force and intimidation in gratifying his carnal desires.[48]

In *People v. Yaba*, [49] the Court elucidated:

Besides, even if it were true that accused-appellant and AAA were sweethearts, this fact does not necessarily negate the commission of rape. Being sweethearts does not prove consent to the sexual act. Definitely, a man cannot demand sexual gratification from a fiancée and worse, employ violence upon her on the pretext of love. Love is not a license for lust.[50]

All told, the Court finds no reason to disturb the findings of the RTC as affirmed by the CA as to the credibility of AAA. As held by the RTC, AAA's narration is clear, spontaneous, and straightforward.

Testimonies of child victims are given full weight and credit, for when a woman or a girl-child says that she has been raped, she says in effect all that is necessary to show that rape was indeed committed.[51] Youth and immaturity are generally badges of truth and sincerity.[52] No young woman would admit that she was raped, make public the offense and allow the examination of her private parts, undergo the troubles and humiliation of a public trial and endure the ordeal of testifying to all the gory details, if she had not in fact been raped.[53]

As for the penalty, the RTC and the CA correctly imposed reclusion perpetua for each count against accused-appellant in accordance with paragraph 1(a) of Article 266-A, in relation to Article 266-B of the RPC, as amended by RA 8353.

Likewise the awards of P75,000.00 as civil indemnity, P75,000.00 as moral damages, and P75,000.00 as exemplary damages are pursuant to *People v. Jugueta*. [54] The imposition of 6% interest per annum on all monetary awards from the finality of decision until full payment is likewise proper.[55] However, the Court finds it correct to impose the monetary awards on each count of Rape.

WHEREFORE, the appeal is DISMISSED. The Decision dated April 18, 2018 of the Court of Appeals in CA-G.R. CR HC No. 09396 finding accused-appellant Joel Ovani, Jr. y Salazar GUILTY beyond reasonable

doubt of two counts of Rape defined and penalized under Articles 266-A and 266-B of the Revised Penal Code, as amended by Republic Act No. 8353, and sentencing him to suffer the penalty of reclusion perpetua for each count of Rape is hereby AFFIRMED with MODIFICATION in that accused-appellant Joel Ovani, Jr. y Salazar is ORDERED to pay AAA the following amounts: P75,000.00 as civil indemnity, P75,000.00 as moral damages, and P75,000.00 as exemplary damages for each count of Rape. All the damages awarded shall earn interest at the legal rate of 6% per annum from the finality of this judgment until fully paid.

SO ORDERED.

Leonen, (Chairperson), Delos Santos, and J. Lopez, JJ., concur.
Hernando, J., On official leave.

[1]See Notice of Appeal dated May 15, 2018, rollo, pp. 24-25.

[2]Rollo, pp. 3-23; penned by Associate Justice Fernanda Lampas Peralta with Associate Justices Amy C. Lazaro-Javier (now a member of the Court) and Maria Luisa C. Quijano-Padilla, concurring.

[3]CA rollo, pp. 32-41; penned by Judge Roslyn M. Rabara-Tria.

[4]The Anti-Rape Law of 1997, approved on September 30, 1997.

[5]Records (Crim. Case No. R-QZN-15-09002-CR), pp. 1-2; Records (Crim. Case No. R-QZN-15-09003-CR), pp. 1-2.

[6]The identity of the victim or any information to establish or compromise her identity, as well as those of her immediate family or household members, shall be withheld pursuant to Republic Act No. (RA) 7610, "An Act Providing for Stronger Deterrence and Special Protection against Child Abuse, Exploitation and Discrimination, and for Other Purposes;" RA 9262, "An Act Defining Violence against Women and Their Children, Providing for Protective Measures for Victims, Prescribing Penalties Therefor, and for Other Purposes;" Section 40 of A.M. No. 04-10-11-SC, known as the "Rule on Violence against Women and Their Children," effective November 15, 2004; *People v. Cabalquinto*, 533 Phil. 703 (2006); and Amended Administrative Circular No. 83-2015 dated September 5, 2017, Subject: Protocols and Procedures in the Promulgation, Publication, and Posting on the Websites of Decisions, Final Resolutions, and Final Orders Using Fictitious Names/Personal Circumstances.

[7]Records (Crim. Case No. R-QZN-15-09002-CR), p. 1.

[8]Records (Crim. Case No. R-QZN-15-09003-CR), p. 1.

[9]Rollo, pp. 6-7.

[10]Rollo, p. 4.

[11]Id. see also CA rollo, p. 34.

[12]Id.

[13]See Brief for the Plaintiff-Appellee, id. at 53.

[14]Id.

[15]Id.

[16]Rollo, p. 4.

[17]Id. at 4-5.

[18]Id. at 5.

[19]Id.

[20]CA rollo, pp. 32-41.

[21]Id. at 40-41.

[22]Id. at 37.

[23]Rollo, pp. 3-23.

[24]Id. at 22.

[25]Id. at 20-21.

[26]Id. at 21; citing *People v. Bisora*, 810 Phil. 339, 345 (2017), further citing *People v. Lagangga*, 775 Phil. 335, 342-343 (2015).

[27]See Manifestation (In Lieu of a Supplemental Brief) dated January 8, 2020, id. at 37-39.

[23]See Manifestation and Motion dated January 10, 2020, id. at 42-44.

[29]CA rollo, pp. 17-30.

[30]Id. at 23-27.

[31]Id. at 47-65.

[32]Id. at 55-63.

[33]*Estrella v. People*, G.R. No. 212942, June 17, 2020.

[34]Id. citing *People v. Aspa, Jr.*, G.R. No. 229507, August 6, 2018.

[35]Id.

[36]*People v. CCC*, G.R. No. 231925, November 19, 2018.

[37]See *People v. Aca-ac*, 409 Phil 425 (2001).

[38]*People v. Dimaano*, 506 Phil 630, 648 (2005).

[39]Rollo, p. 14.

[40]Id. at 15.

[41]Id. at 16-17.

[42]Id. at 17-18.

[43]G.R. No. 240217, June 23, 2020.

[44]Id.

[45]Rollo, pp. 19-20.

[46]CA rollo, p. 27.

[47]People v. Cabilida, 836 Phil. 144, 153 (20 I 8), citing People v. Magbanua, 576 Phil. 642, 648 (2008).

[48]People v. Domingo, 810 Phil 1040, 1047 (2017), citing People v. Taperla, 443 Phil. 400, 408 (2003) and People v. Buendia, 373 Phil. 430, 443 (1999).

[49]742 Phil. 298 (2014).

[50]Id. at 306.

[51]People v. ABC, G.R. No. 244835, December 11, 2019, citing People v. Alberca, 810 Phil. 896, 906 (2017).

[52]People v. Deliola, 794 Phil 194, 208 (2016), citing People v. Suarez, 750 Phil 858, 869 (2015).

[53]Id., citing People v. Nical, 754 Phil 357, 366 (2015)

[54]783 Phil. 806, 840 (2016)

[55]People v. Briones, supra note 43.

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