



Republic of the Philippines  
**Supreme Court**  
Manila

**SECOND DIVISION**

**PEOPLE OF THE PHILIPPINES,**  
Plaintiff-Appellee,

**G.R. No. 191192**

Present:

- versus -

CARPIO, *J.*, Chairperson,  
LEONARDO-DE CASTRO,<sup>\*</sup>  
DEL-CASTILLO,<sup>\*\*</sup>  
PEREZ, and  
SERENO, *JJ.*

**EDGAR BALQUEDRA,**  
Accused-Appellant.

Promulgated:

AUG 22 2012 *Edgar Balquedra*

X ----- X

**DECISION**

**SERENO, *J.*:**

This is an appeal, via Notice of Appeal dated 11 August 2009,<sup>1</sup> of the 31 July 2009 Decision<sup>2</sup> of the Court of Appeals (CA) in CA-G.R. CR-HC No. 03188, affirming the conviction of Edgar Balquedra (appellant) for raping AAA.<sup>3</sup> He imputes error to the CA and the Regional Trial Court

<sup>\*</sup> Designated additional member in lieu of Associate Justice Arturo D. Brion per S.O. No. 1286 dated 22 August 2012.

<sup>\*\*</sup> Designated additional member in lieu of Associate Justice Bienvenido L. Reyes due to prior action in the CA Decision.

<sup>1</sup> *Rollo*, pp. 20-22.

<sup>2</sup> *Id.* at 2-19; penned by Associate Justice Isaias Dicdian, concurred in by Associate Justice Bienvenido L. Reyes (now a member of this Court) and Associate Justice Marlene Gonzales-Sison.

<sup>3</sup> *People v. Cabalquinto*, 533 Phil. 703 (2006).

(RTC) for giving credence to the testimonies of AAA and the medical officer who examined her.<sup>4</sup>

The antecedent facts are as follows:

### FACTS

AAA, her sister BBB, and their brother regularly slept in their family's shanty located near their house.<sup>5</sup> On 06 June 2005 at 9:30 p.m., only the two girls slept in the shanty because their brother was out of town.<sup>6</sup> Later in the night, BBB went back to the house to drink water, but did not return.<sup>7</sup> While AAA was alone in the shanty, appellant entered.<sup>8</sup> AAA, who was already lying on the bed, recognized him as her neighbour.<sup>9</sup> She asked him what he was doing there,<sup>10</sup> but he did not answer.<sup>11</sup> Instead, he allegedly covered her mouth with his left hand and pinned her down on the bed using his body.<sup>12</sup> He then pulled down her shorts and panty with his right hand, and subsequently pulled down his shorts and briefs with the same hand.<sup>13</sup> AAA tried to struggle, but she could not move because appellant was stronger than her.<sup>14</sup> He then spread out her legs, inserted his penis into her vagina, and made pumping motions.<sup>15</sup> After consummating the deed, he threatened to kill her if she told anybody about what happened.<sup>16</sup> After he left, AAA went back to the house and kept silent about the incident, because she was afraid of his threat.<sup>17</sup>

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<sup>4</sup> Id. at 29.

<sup>5</sup> TSN, 6 February 2006, pp. 7-8.

<sup>6</sup> Id. at 9-10.

<sup>7</sup> Records, p. 169.

<sup>8</sup> Id.

<sup>9</sup> Id. at 172.

<sup>10</sup> Id. at 169.

<sup>11</sup> Id.

<sup>12</sup> Id.

<sup>13</sup> Id.

<sup>14</sup> Id.

<sup>15</sup> Id.

<sup>16</sup> Id.

<sup>17</sup> Id.

One week after, appellant attempted to rape BBB.<sup>18</sup> This attempt against AAA's sister was recorded in a police blotter naming Edgar Balquedra as the perpetrator.<sup>19</sup> After this incident, AAA confided to her mother that she had been raped by the same Edgar Balquedra.<sup>20</sup>

AAA's parents, outraged by what happened, brought her to a health center on 14 June 2005 to be examined.<sup>21</sup> In Medico-Legal Certificate dated 14 June 2005, the examining physician found lacerations in the victim's external genitalia.<sup>22</sup>

On 16 June 2005, AAA executed a Sworn Statement before the Provincial Prosecutor detailing her rape by appellant.<sup>23</sup> On the same day, a criminal Complaint was filed with the Municipal Trial Court (MTC) of Agoo, La Union.<sup>24</sup> Finding prima facie evidence that the rape was committed, and that appellant was probably guilty thereof, the MTC forwarded the records to the Provincial Prosecutor for appropriate action.<sup>25</sup>

On 22 July 2005, the Provincial Prosecutor charged appellant with rape in the RTC, Branch 32, Agoo, La Union, in the following Information:<sup>26</sup>

That on or about the 6<sup>th</sup> day of June 2005, in the Municipality of Agoo, Province of La Union, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, with lewd design and by means of force, threat and intimidation, did then and there wilfully, unlawfully and feloniously, have sexual intercourse with one AAA, a fourteen (14) year old minor by covering her mouth, removing the underwear and inserting his penis and have a [sic] carnal knowledge of the

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<sup>18</sup> Id.

<sup>19</sup> Id. at 158.

<sup>20</sup> Id. at 169.

<sup>21</sup> Id. at 4.

<sup>22</sup> Id.

<sup>23</sup> Id. at 2-3.

<sup>24</sup> Id. at 1.

<sup>25</sup> Id. at 33.

<sup>26</sup> Id. at 39.

said victim against her will and at the same time uttering threatening remarks to said victim, against her will, to her damage and prejudice.

CONTRARY TO LAW.

Upon arraignment, appellant pleaded not guilty.<sup>27</sup> Thereafter, trial ensued.

The prosecution presented the testimonies of AAA,<sup>28</sup> her mother,<sup>29</sup> and the doctor<sup>30</sup> who examined her, as well as her Sworn Statement<sup>31</sup> and the Medico-Legal Certificate as documentary evidence.<sup>32</sup> On the other hand, appellant's defense consisted of denial and alibi. He testified that he was at home with his wife on the night of the rape.<sup>33</sup> He also alleged ill will on the part of AAA's father, he hit with the bicycle, causing the dislocation of the latter's right ankle.<sup>34</sup>

The RTC found that AAA had clearly identified appellant and described how he had raped her<sup>35</sup> as opposed to appellant's unavailing defense of denial and alibi.<sup>36</sup> Accordingly, it ruled that he was guilty beyond reasonable doubt of rape. The dispositive portion of the Decision reads:

**WHEREFORE**, the Court finds accused Edgardo Balquedra guilty beyond reasonable doubt of the crime of rape, and hereby sentences him to suffer the penalty of *reclusion perpetua*.

The accused is also ordered to pay the victim in the amount of ₱50,000.00 as moral damages; ₱50,000.00 as civil indemnity; and ₱25,000.00 as exemplary damages.<sup>37</sup>

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<sup>27</sup> Id. at 45.

<sup>28</sup> TSN, 06 February 2006, p. 2.

<sup>29</sup> TSN, 11 September 2007, p. 56.

<sup>30</sup> TSN, 18 September 2007, p. 82.

<sup>31</sup> TSN, 13 August 2007, p. 37.

<sup>32</sup> Id. at 38.

<sup>33</sup> TSN, 20 November 2007, pp. 107-116.

<sup>34</sup> Id. at 117-118.

<sup>35</sup> Records, p. 170.

<sup>36</sup> Id. at 172.

<sup>37</sup> Id. at 172-173.

Through counsel, appellant filed with the CA a Notice of Appeal dated 17 December 2007.<sup>38</sup>

In his brief, he questioned the credibility of AAA, the findings of the examining doctor who executed the Medico-Legal Certificate, and the degree of force he had allegedly employed against AAA.<sup>39</sup> Ruling against the appeal, the CA found that AAA's testimony was consistent in all material aspects and corroborated by the findings indicated in the medical report.<sup>40</sup> It also ruled that the degree of force employed was sufficient to consummate the rape.<sup>41</sup> As a result, the conviction was affirmed *in toto*.<sup>42</sup> Thereafter, appellant filed a Notice of Appeal of the 31 July 2009 Decision of the CA based on questions of fact and law.<sup>43</sup>

On 21 April 2010, this Court informed the parties that it had received the records from the CA and required them to file their respective supplemental briefs.<sup>44</sup> Both parties manifested that they would no longer file supplemental briefs, since they had exhaustively argued all the relevant issues in the Briefs they had previously submitted before the CA.<sup>45</sup>

## OUR RULING

We rule that the CA was correct in affirming the RTC's finding that AAA's testimony was credible and sufficient to establish the rape committed by appellant.

In reviewing the crime of rape, the Court is guided by the following principles: *first*, to accuse a man of rape is easy, but to disprove the

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<sup>38</sup> Id. at 178-179.

<sup>39</sup> CA rollo, pp. 37-40.

<sup>40</sup> Rollo, pp. 14-15

<sup>41</sup> Id. at 16.

<sup>42</sup> Id. at 18; **"WHEREFORE**, in view of the foregoing premises, the instant appeal is hereby **DENIED** and, consequently, ordered **DISMISSED**, and the appealed decision is hereby **AFFIRMED in toto. SO ORDERED.**"

<sup>43</sup> Id. at 20.

<sup>44</sup> Id. at 25.

<sup>45</sup> Id. at 31-37.

accusation is difficult though the accused may be innocent; *second*, considering that only two persons are usually involved in the crime of rape, the testimony of the complainant should be scrutinized with great caution; *third and last*, the evidence for the prosecution must stand or fall on its own merit and not be allowed to draw strength from the weakness of the evidence for the defense.<sup>46</sup>

***The Victim's Positive Identification of Appellant***

The records will show that AAA had positively identified appellant as the perpetrator. Although the crime was committed at night, there was a lighted kerosene lamp on the table when he entered the shanty.<sup>47</sup> AAA had sufficient light and means to identify her assailant at the time of the incident. There was no evidence presented that this light was put out when she went to sleep, or that it was knocked off the table, or that it broke while the crime was being committed. Also, appellant raped AAA facing her and covering only her mouth, thus giving her a full view of his face.<sup>48</sup>

Lastly, appellant was familiar to AAA, since he was her neighbour, his residence a mere 200 meters away from hers.<sup>49</sup> He himself admitted that she had known him since she was a child.<sup>50</sup>

***The Victim's Testimony Sufficiently Corroborated by the Medical Certificate***

Aside from AAA's testimony,<sup>51</sup> the Medico-Legal Certificate and the testimony of the doctor who had examined the victim corroborated the

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<sup>46</sup> *People v. Watimar*, 392 Phil. 711 (2000).

<sup>47</sup> TSN, 13 August 2007, pp. 16-18.

<sup>48</sup> Id. at 21-22.

<sup>49</sup> Records, p. 172.

<sup>50</sup> TSN, 20 November 2007, p. 124.

<sup>51</sup> TSN, 13 August 2007, pp. 24-32.

latter's story of rape. Based on the medical certificate, AAA was examined six days after the crime took place.<sup>52</sup> Upon a perineal inspection of her external genitalia, lacerations at the 5, 7 and 9 o'clock positions were found by the examining physician.<sup>53</sup>

Appellant avers that the testimony of the doctor negates the allegation that the former had sexual congress with the victim just one week before the medical examination.<sup>54</sup> Appellant points out that, according to the doctor, the most **probable** period when the lacerations were inflicted was over a month before the date of the examination.<sup>55</sup> It is exactly this uncertainty that belies appellant's argument. Notably, the examining doctor herself said that she could not tell exactly when the lacerations were inflicted.<sup>56</sup> Furthermore, lacerations, whether healed or fresh, are the best physical evidence of forcible defloration.<sup>57</sup> Here, the doctor found not only one, but three, lacerations.<sup>58</sup>

***The Presence of the Element of Force in the Perpetration of Rape***

Appellant's argument that the degree of force employed against AAA was not enough to have cowed her into submission<sup>59</sup> fails to convince.

Force in rape cases is defined as "power, violence or constraint exerted upon or against a person."<sup>60</sup> In *People v. Maceda*,<sup>61</sup> cited by the CA,

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<sup>52</sup> Records, p. 4.

<sup>53</sup> Id.

<sup>54</sup> CA rollo, p. 39.

<sup>55</sup> TSN, 18 September 2007, p. 88.

<sup>56</sup> Id. at 94.

<sup>57</sup> *People v. Acala*, 366 Phil. 797 (1999).

<sup>58</sup> Records, p. 4.

<sup>59</sup> CA rollo, p. 40.

<sup>60</sup> *People v. Florenci*, G.R. No. 148144, 30 April 2004, 428 SCRA 336.

<sup>61</sup> *People v. Maceda*, G.R. No. 138805, 28 February 2001, 353 SCRA 228.

the court explained the standards for evaluating the force employed in rape:

x x x.[I]t is not necessary that the force and intimidation employed in accomplishing it be so great or 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. x x x.

Here, appellant used force through physical power and constraint by covering the mouth of AAA, placing her arms behind her back, and pinning her down with his body.<sup>62</sup> The presence of force is further bolstered by AAA's testimony that she struggled and fought back in vain.<sup>63</sup> Appellant used his physical advantage to overpower the 14-year-old girl and have carnal knowledge of her.

***Appellant's Unconvincing Defense  
of Denial and Alibi***

In his defense, appellant simply denies the charge of rape and gives the lame excuse that he was at home during the entire period when the crime was allegedly committed.

He relies on *People v. Baro*<sup>64</sup> to bolster his defense that alibi is not always a weak defense.

The Court is unconvinced. In *Baro*, the very same case relied upon by appellant, the Court laid down the following requisite for alibi to prosper:

The rule is well settled that in order for it to prosper, it must be demonstrated that the person charged with the crime was not only somewhere else when the offense was committed, but was so far away that it would have **been physically impossible** to have been at the place of the

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<sup>62</sup> TSN, 13 August 2007, pp. 21-35.

<sup>63</sup> Id. at 21-25.

<sup>64</sup> 432 Phil. 625 (2002).



crime or its immediate vicinity at the time of its commission.<sup>65</sup> (Emphasis supplied)

Applying this requisite to the instant case, it was not physically impossible for appellant to have been at AAA's shanty at the time of the commission of the crime, since his house was merely 200 meters away.<sup>66</sup>

As a last-ditch effort, appellant even goes to the extent of claiming that the rape charges were fabricated and motivated by ill will on the part of AAA's father.<sup>67</sup> The latter purportedly suffered from a dislocated ankle after being hit by a bicycle that appellant was riding.<sup>68</sup> This claim is beyond belief, as no father would use both of his daughters to vindicate a mere dislocated ankle. The CA was on point when it cited our ruling in *People v. Malones*,<sup>69</sup> which states:

It is unnatural for a parent to use [his] offsprings [sic] as an engine of malice, especially if it will subject a daughter to embarrassment and even stigma. It is hard to believe that a [parent] would sacrifice [his] own daughter and present her to be the subject of a public trial if [he], in fact, has not been [sic] motivated by an honest desire to have the culprit punished.

Due to the secretive nature of the crime of rape, complainant's credibility becomes the single most important issue.<sup>70</sup> Appellant contends that AAA does not deserve full faith and credence, because her answers were unclear and inconsistent, and she could hardly narrate the incident in a straight manner.<sup>71</sup> However, it is a well-settled rule that the findings of the trial court and its calibration of the testimonial evidence of the parties are accorded great weight because of its unique advantage of monitoring and

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<sup>65</sup> Id. at 640.

<sup>66</sup> TSN, 20 November 2007, p. 122.

<sup>67</sup> Id. at 117-118.

<sup>68</sup> Id.

<sup>69</sup> 469 Phil. 301,327 (2004).

<sup>70</sup> Id.

<sup>71</sup> CA rollo, p. 38.

observing the demeanor, deportment and conduct of the witnesses.<sup>72</sup> We find no reason to reverse the RTC's findings. It found the testimony of AAA to be "direct, equivocal and consistent"<sup>73</sup> and ruled that "even on cross-examination, AAA's candor and honesty were evident."<sup>74</sup> Furthermore, AAA was able to **clearly narrate in detail** that a man by the name of Edgar Balquedra, using force, was able to have carnal knowledge of her.

Although the Court affirms the CA ruling, the award of exemplary damages must be increased from ₱25,000 to ₱30,000 in consonance with prevailing jurisprudence.<sup>75</sup>

**WHEREFORE**, the appeal is **DENIED**. The 31 July 2009 Decision of the Court of the Appeals in CA-G.R. CR-HC No. 03188 is hereby **AFFIRMED with MODIFICATION**. Accused-appellant Edgar Balquedra is hereby declared guilty beyond reasonable doubt of the crime of rape. He is sentenced to suffer the penalty of *reclusion perpetua* and to pay AAA the amount of ₱50,000 as civil indemnity, ₱50,000 as moral damages, AND ₱30,000 as exemplary damages.

**SO ORDERED.**



**MARIA LOURDES P. A. SERENO**  
Associate Justice

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<sup>72</sup> *People v. Funesto*, 449 Phil. 153 (2003).

<sup>73</sup> CA rollo, p. 12.


<sup>74</sup> *Id.*

<sup>75</sup> *People v. Lindo*, G.R. No. 189818, 9 August 2010, 627 SCRA 519.


WE CONCUR:




**ANTONIO T. CARPIO**  
Senior Associate Justice  
Chairperson



**TERESITA J. LEONARDO-DE CASTRO**  
Associate Justice



**MARIANO C. DEL CASTILLO**  
Associate Justice



**JOSE PORTUGAL PEREZ**  
Associate Justice

### CERTIFICATION

I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



**ANTONIO T. CARPIO**  
Senior Associate Justice  
(Per Section 12, R.A. 296,  
The Judiciary Act of 1948, as amended)