



**Republic of the Philippines
Supreme Court
Manila**

FIRST DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff-Appellee,

G.R. No. 186463

Present:

- *versus* -

SERENO, *CJ.*,
Chairperson,
LEONARDO-DE CASTRO,
BERSAMIN,
VILLARAMA, JR., and
REYES, *JJ.*

**WILLIAM MANGUNE y DEL
ROSARIO,**
Accused-Appellant.

Promulgated:

NOV 14 2012

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DECISION

LEONARDO-DE CASTRO, J.:

Accused-appellant William Mangune y del Rosario, also known as Earl William Mangune or Earl Mangune (Mangune), is now before Us on review after the Court of Appeals, in its August 29, 2008 Decision¹ in CA-G.R. CR.-H.C. No. 02596, affirmed, in its entirety, the August 31, 2006 Decision² of the Regional Trial Court (RTC) of Muntinlupa City, Branch 207, in Criminal Case No. 03-317. The RTC found Mangune guilty beyond reasonable doubt of the crime of rape under Article 266-A, paragraph 1(a) as qualified by his relationship to the minor victim under Article 266-B,

¹ *Rollo*, pp. 2-7; penned by Associate Justice Sixto C. Marella, Jr. with Associate Justices Amelita G. Tolentino and Japar B. Dimaampao, concurring.

² *CA rollo*, pp. 31-35.

paragraph 2, no. 1 of the Revised Penal Code.³

On May 12, 2003, an Information⁴ was filed before the RTC, charging Mangune with the crime of rape under Article 266-A, paragraph 1, in relation to Article 266-B, paragraph 2, no. 1, of the Revised Penal Code. The accusatory portion of the Information reads:

That on or about the 7th day of May, 2003, in the City of Muntinlupa, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, being a man and the biological father of one [AAA],⁵ a 17-year[-]old girl, and by means of force, threat or intimidation, did then and there willfully, unlawfully and feloniously had carnal knowledge of said child, [AAA], against her will and consent.⁶

Mangune pleaded not guilty to the charge upon his arraignment on October 17, 2003.⁷

On February 11, 2004, the parties met for their pre-trial conference and agreed on the following stipulations:

1. That the accused is the biological father of the private complainant; and
2. That at the time of the commission of the alleged crime of rape, the private complainant was then a minor, who was 17 years of age.⁸

Faced with the lone issue of whether Mangune was guilty of the crime as charged in the Information, the RTC proceeded with the trial on the merits.

³ As amended by Republic Act No. 8353.

⁴ Records, pp. 1-2.

⁵ Under Republic Act No. 9262 also known as “Anti-Violence Against Women and Their Children Act of 2004” and its implementing rules, the real name of the victim and those of her immediate family members are withheld and fictitious initials are instead used to protect the victim’s privacy.

⁶ Records, p. 1.

⁷ Id. at 69.

⁸ Id. at 76.

The prosecution first presented AAA, who, in her Sworn Statements⁹ and testimony, accused her father, Mangune, whom she identified in open court, of raping her on May 7, 2003, in his house in Muntinlupa. AAA alleged that Mangune started raping her when she was just a little girl. She said that since she was so young when the first rape occurred, her first clear memory of her father raping her was in 1994, when she was in Grade III. AAA narrated how her father called her then, asking for a massage. However, she continued, her father apparently did not really want a massage because he took off her shorts and tried to insert his penis into her vagina. AAA claimed that since his penis could not fit into her vagina, Mangune inserted his finger instead, with a threat that if she told her mother of what had just transpired, he would kill them both. AAA said that throughout the years, her father continued raping her and eventually succeeded in inserting his penis into her vagina. On May 7, 2003, AAA finally told her mother about the rapes, the last of which occurred that same morning. AAA averred that at around 5:30 in the morning, while she was sleeping inside her room, she felt her shorts being removed and something heavy go on top of her. Realizing it was her father, AAA testified that she tried to fight back but was overpowered, at which point, Mangune was able to insert his penis into her vagina. AAA stated that her shouts and pleas were met with slaps on the face and a scary look from her father, prompting her to simply keep quiet. When her mother and aunt fetched her at around noon later that day, she told them about the rapes, and her mother immediately brought her to Camp Crame to be medically examined.¹⁰

Upon cross-examination, AAA testified that her parents lived in separate houses because her mother's office was far from her father's house. She also claimed that she knew of no untoward incident between her parents

⁹ Id. at 9-15.

¹⁰ TSN, April 14, 2004, pp. 7-12.

prior to May 7, 2003, and described her father as good and caring.¹¹

Police Chief Inspector Pierre Paul Figueroa Carpio (Carpio), a Doctor of Medicine and a Philippine National Police (PNP) Medico-Legal Officer,¹² testified that he had examined AAA on May 7, 2003, and identified the initial Medico-Legal Report he subsequently issued,¹³ wherein he had indicated the following:

FINDINGS:

Hymen: Deep healed lacerations at 4, 6, 7 and 9 o'clock positions.

Physical Injuries. No external signs of application of any form of trauma.

CONCLUSION: -----x-----

Subject is non-virgin state physically.
There are no external signs
of application of any form of trauma.¹⁴

Explaining the finding that there were “[n]o external signs of application of any form of trauma,” Carpio said it meant that aside from the genital organ, there were no injuries noted in the other parts of the body.¹⁵ Upon cross-examination, Carpio stated that his findings were consistent with AAA’s allegations in the sense that the findings of healed deep lacerations in the hymen were compatible with the allegation of several incidents of sexual abuse.¹⁶

Mangune, who testified in his own defense, denied raping his daughter, AAA, and said that the charge caught him by surprise. He stated that he had six children, all of whom he loved and treated equally. He said

¹¹ TSN, November 17, 2004, pp. 10-11.

¹² TSN, July 13, 2005, pp. 6-7.

¹³ Id. at 11.

¹⁴ Records, p. 18.

¹⁵ TSN, July 13, 2005, p. 11.

¹⁶ Id. at 16.

that before May 7, 2003, his relationship with his wife, AAA's mother, was fine, with the occasional bickering between spouses. When asked where he was at around 5:30 in the morning on May 7, 2003, Mangune claimed that he was sleeping in his house with his daughter AAA, his other children being then in their mother's house. Mangune then averred that at around 1:00 in the afternoon, AAA, with his permission, left for the mall with her friends and came back at midnight. At around 11:00 in the evening, his wife called out to him to get out of the house, at which point he was arrested and brought to Camp Crame, where he learned of the complaint filed against him. He said that he did not know of any reason why AAA would accuse him of such a crime.¹⁷

On August 31, 2006, the RTC handed down a guilty verdict against Mangune and sentenced him to *reclusion perpetua* without the benefit of parole, in this manner:

WHEREFORE, accused William Mangune y del Rosario @ Earl William Mangune or @ Earl Mangune, is found guilty beyond reasonable doubt of the crime of rape under Article 266-A, paragraph 1(a) in relation to Article 266-B, paragraph 2, no. 1 of the Revised Penal Code, as amended by R.A. 8353, and is sentenced to suffer the penalty of *reclusion perpetua* without benefit of parole, in accordance with R.A. 9346, "An Act Prohibiting the Imposition of Death Penalty in the Philippines", and is ordered to pay the private complainant [AAA], his biological daughter, ₱75,000.00 as civil indemnity, ₱75,000.00 as moral damages, and ₱25,000.00 as exemplary damages.¹⁸

In its Decision, the RTC stated that the prosecution was able to prove the following:

- (1) [T]hat the accused had carnal knowledge of the offended party, his biological daughter, (2) that the crime was done through intimidation, threat and force, (3) that the private complainant was a minor at the

¹⁷ TSN, December 7, 2005, pp. 4-10.

¹⁸ CA *rollo*, p. 35.

time of the commission of the crime, and (4) that the accused is her biological father.¹⁹

The RTC found AAA's testimony sufficient to be able to stand on its ground and convict Mangune. Moreover, the RTC said, Mangune's "barefaced denial x x x [could] not prevail over the positive, spontaneous, straightforward and detailed testimony of [AAA]." The RTC explained that it gave AAA's testimony "full faith and credence" as there was no showing that she was actuated by improper motive against her father.²⁰

Mangune appealed²¹ to the Court of Appeals, arguing that his guilt had not been proven beyond reasonable doubt as the prosecution witnesses' testimonies were materially unreliable; thus, should not have been given full weight and credence.²²

On August 29, 2008, the Court of Appeals affirmed the RTC's Decision in its entirety.

The Court of Appeals said that Mangune cited only one reason to support the errors he assigned against the RTC: that AAA sustained no external signs of any form of trauma despite her declaration that Mangune allegedly slapped her many times on the face.²³

Addressing such reasoning, the Court of Appeals stated that Mangune's claim was untenable, and quoting this Court in *People v. Napud, Jr.*,²⁴ said:

¹⁹ Id. at 34-35.

²⁰ Id. at 34.

²¹ Id. at 36.

²² Id. at 52.

²³ *Rollo*, pp. 5-6.

²⁴ 418 Phil. 268, 279-280 (2001).

[T]he absence of external injuries does not negate rape. This is because in rape, the important consideration is not the presence of injuries on the victim's body, but penile contact with the female genitalia without the woman's consent." (Citation omitted.)

Undaunted, Mangune is now before this Court,²⁵ with the same assignment of errors he presented before the Court of Appeals, *viz*:

I

THE COURT A QUO GRAVELY ERRED IN GIVING FULL WEIGHT AND CREDENCE TO THE PROSECUTION WITNESSES' MATERIALLY UNRELIABLE TESTIMONY.

II

THE COURT A QUO GRAVELY ERRED IN FINDING THAT THE GUILT OF ACCUSED-APPELLANT MANGUNE HAS BEEN PROVEN BEYOND REASONABLE DOUBT.²⁶

Ruling and Discussion

Mangune was charged with Rape under Article 266-A, paragraph 1, in relation to Article 266-B, paragraph 2, of the Revised Penal Code, as amended by Republic Act No. 8353. Said provisions read:

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 is otherwise unconscious;
- c) By means of fraudulent machination or grave abuse of authority;

²⁵ *Rollo*, pp. 8-10.

²⁶ *CA rollo*, p. 52.

- 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.

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

X X X X

The death penalty shall also be imposed if the crime of rape is committed with any of the following aggravating/qualifying circumstances:

- 1) When the victim is under eighteen (18) years of age and the offender is a parent, ascendant, stepparent, guardian, relative by consanguinity or affinity within the third civil degree, or the common-law spouse of the parent of the victim.

Mangune, from the very beginning of the case, admitted that AAA is his biological daughter and was still a minor on May 7, 2003, the time the last rape allegedly occurred. Thus, in essence, Mangune's bone of contention in this case, is the credibility of AAA's testimony *vis-à-vis* the findings contained in the Initial Medico-Legal Report.

Mangune asseverates that the lower courts should have acquitted him based on reasonable doubt as AAA's testimony is not worthy of belief for having been fabricated. He supports such assertion by making much of the fact that AAA did not sustain any external physical marks, as shown by the medico-legal findings, despite her testimony that he slapped her many times on the face. This, Mangune insists, makes AAA's testimony incredible.

In *People v. Paringit*,²⁷ this Court has declared that "[n]ot all blows leave marks."²⁸ Thus, the fact that the medico-legal officer found no signs of external injuries on AAA, especially on her face, which supposedly had been

²⁷ G.R. No. 83947, September 13, 1990, 189 SCRA 478.
²⁸ Id. at 487.

slapped several times, does not invalidate her statement that Mangune slapped her to silence her.

In *People v. Rabanes*,²⁹ the accused similarly assailed the victim's testimony by saying that if her claim that she was slapped several times were true, then there would have been visible marks or injuries on her face, which would have been reported in the medical certificate. This Court, in response to therein accused's argument, held:

While the victim testified that she was slapped many times by the accused-appellant, which caused her to become unconscious, the doctor found no trace or injury on her face. **The absence of any injury or hematoma on the face of the victim does not negate her claim that she was slapped.** Dr. Lao also testified that if the force was not strong enough or if the patient's skin is normal, as compared to other patients where even a slight rubbing of their skin would cause a blood mark, no hematoma will result. But, even granting that there were no extra-genital injuries on the victim, **it had been held that the absence of external signs or physical injuries does not negate the commission of the crime of rape.** The same rule applies even though no medical certificate is presented in evidence. **Proof of injuries is not necessary because this is not an essential element of the crime.**³⁰ (Citations omitted, emphases added.)

This Court, in a long line of cases,³¹ has ruled that "the absence of external signs of physical injuries does not negate rape."³² The doctrine is thus well-entrenched in our jurisprudence, and the Court of Appeals correctly applied it.³³

Mangune's attempt to discredit AAA's testimony that he raped her on May 7, 2003, must ultimately fail as he has shown no solid grounds to

²⁹ G.R. No. 93709, May 8, 1992, 208 SCRA 768.

³⁰ Id. at 776-777.

³¹ *People v. Casipit*, G.R. No. 88229, May 31, 1994, 232 SCRA 638, 642; *People v. Barcelona*, G.R. No. 82589, October 31, 1990, 191 SCRA 100, 106; *People v. Abonada*, 251 Phil. 482, 494 (1989); *People v. Alfonso*, 237 Phil. 467, 479 (1987); *People v. Juntilla*, 373 Phil. 351, 365 (1999); *People v. Davatos*, G.R. No. 93322, February 4, 1994, 229 SCRA 647, 652; *People v. Managaytay*, 364 Phil. 800, 807 (1999).

³² *People v. Arnan*, G.R. No. 72608, June 30, 1993, 224 SCRA 37, 43.

³³ *Rollo*, p. 6.

impeach it. Explaining how testimonial evidence is considered and weighed in court, this Court has said:

Credible witness and credible testimony are the two essential elements for the determination of the weight of a particular testimony. This principle could not ring any truer where the prosecution relies mainly on the testimony of the complainant, corroborated by the medico-legal findings of a physician. Be that as it may, the accused may be convicted on the basis of the lone uncorroborated testimony of the rape victim, provided that her testimony is clear, convincing and otherwise consistent with human nature.³⁴ (Citation omitted.)

The RTC, which had the opportunity to hear the testimonies live, and observe the witnesses in person, found not only AAA credible, but her testimony as well. It even declared that AAA's testimony alone can justify the conviction of Mangune.

The foregoing were subscribed to by the Court of Appeals as well when it affirmed the RTC's Decision "in its entirety."³⁵

This Court finds no valid reason to depart from the time-honored doctrine that where the issue is one of credibility of witnesses, and in this case their testimonies as well, the findings of the trial court are not to be disturbed unless the consideration of certain facts of substance and value, which have been plainly overlooked, might affect the result of the case.³⁶

Expounding on the matter, this Court, in *People v. Dion*,³⁷ said:

Due to its intimate nature, rape is usually a crime bereft of witnesses, and, more often than not, the victim is left to testify for herself. Thus, in the resolution of rape cases, the victim's credibility becomes the primordial consideration. It is settled that when the victim's testimony is straightforward, convincing, and consistent with human nature and the

³⁴ *People v. Sorongon*, 445 Phil. 273, 278 (2003).

³⁵ *Rollo*, p. 7.

³⁶ *People v. Lardizabal*, G.R. No. 89113, November 29, 1991, 204 SCRA 320, 329.

³⁷ G.R. No. 181035, July 4, 2011, 653 SCRA 117, 133.

normal course of things, unflawed by any material or significant inconsistency, it passes the test of credibility, and the accused may be convicted solely on the basis thereof. Inconsistencies in the victim's testimony do not impair her credibility, especially if the inconsistencies refer to trivial matters that do not alter the essential fact of the commission of rape. The trial court's assessment of the witnesses' credibility is given great weight and is even conclusive and binding. x x x. (Citations omitted.)

Quoting *People v. Sapigao, Jr.*,³⁸ this Court, in the same case, explained the rationale for the above practice:

It is well settled that the evaluation of the credibility of witnesses and their testimonies is a matter best undertaken by the trial court because of its unique opportunity to observe the witnesses firsthand and to note their demeanor, conduct, and attitude under grilling examination. These are important in determining the truthfulness of witnesses and in unearthing the truth, especially in the face of conflicting testimonies. For, indeed, the emphasis, gesture, and inflection of the voice are potent aids in ascertaining the witness' credibility, and the trial court has the opportunity and can take advantage of these aids. These cannot be incorporated in the record so that all that the appellate court can see are the cold words of the witness contained in transcript of testimonies with the risk that some of what the witness actually said may have been lost in the process of transcribing. As correctly stated by an American court, "There is an inherent impossibility of determining with any degree of accuracy what credit is justly due to a witness from merely reading the words spoken by him, even if there were no doubt as to the identity of the words. However artful a corrupt witness may be, there is generally, under the pressure of a skillful cross-examination, something in his manner or bearing on the stand that betrays him, and thereby destroys the force of his testimony. Many of the real tests of truth by which the artful witness is exposed in the very nature of things cannot be transcribed upon the record, and hence they can never be considered by the appellate court." (Citations omitted.)

Furthermore, Mangune could not impute any ill motive on AAA or his wife that would explain why he was charged with such a heinous crime. We have ruled that "[a]bsent evidence showing any reason or motive for a witness to falsely testify against the accused, the logical conclusion is that no

³⁸ G.R. No. 178485, September 4, 2009, 598 SCRA 416, 425-426, cited in *People v. Dion*, id. at 133-134.

such improper motive exists and the testimony should be accorded full faith and credit.”³⁹

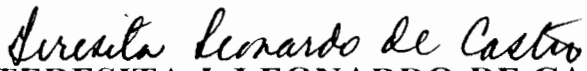
It is also worthy to note that Mangune proffered no other defense than that of denial. In *People v. Espinosa*,⁴⁰ we held that:

It is well-settled that denial, if unsubstantiated by clear and convincing evidence, is a self-serving assertion that deserves no weight in law. Denial cannot prevail over the positive, candid and categorical testimony of the complainant, and as between the positive declaration of the complainant and the negative statement of the appellant, the former deserves more credence. (Citations omitted.)

While the Court affirms the award of civil indemnity in the amount of ₱75,000.00; and moral damages in the amount of ₱75,000.00; the Court increases the award of exemplary damages from ₱25,000.00 to ₱30,000.00 in line with prevailing jurisprudence.⁴¹

WHEREFORE, premises considered, the Decision of the Court of Appeals in CA-G.R. CR.-H.C. No. 02596 is hereby **AFFIRMED with MODIFICATION**. William Mangune y del Rosario, also known as Earl William Mangune or Earl Mangune, is sentenced to *reclusion perpetua*, in lieu of death, without the possibility of parole. He is **ORDERED** to pay the victim, AAA, ₱75,000.00 as civil indemnity, ₱75,000.00 as moral damages, and ₱30,000.00 as exemplary damages, all with interest at the rate of 6% *per annum* from the date of finality of this judgment until fully paid.

SO ORDERED.


TERESITA J. LEONARDO-DE CASTRO
Associate Justice

³⁹ *People v. Bulan*, 498 Phil. 586, 599 (2005).

⁴⁰ 476 Phil. 42, 62 (2004).

⁴¹ *People v. Miranda*, G.R. No. 176634, April 5, 2010, 617 SCRA 298, 316-317.

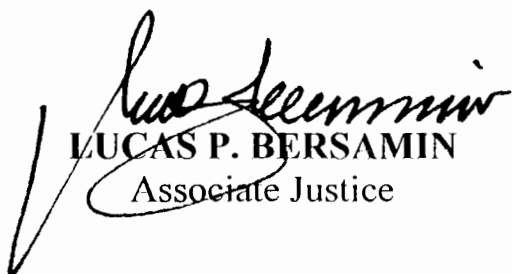
WE CONCUR:



MARIA LOURDES P. A. SERENO

Chief Justice

Chairperson



LUCAS P. BERSAMIN

Associate Justice



MARTIN S. VILLARAMA, JR.

Associate Justice

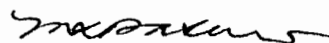


BIENVENIDO L. REYES

Associate Justice

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, 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.



MARIA LOURDES P. A. SERENO

Chief Justice