



Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

PEOPLE OF THE PHILIPPINES, G.R. No. 191253
Plaintiff-Appellee,

Present:

CARPIO, J.,
Chairperson,
PERALTA,*
DEL CASTILLO,
PEREZ, and
PERLAS-BERNABE, JJ.

- versus -

APOLINARIO MANALILI y JOSE,
Accused-Appellant.

Promulgated:

AUG 28 2013

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DECISION

PEREZ, J.:

Before this Court for automatic review is the Decision¹ dated 19 October 2009 of the Court of Appeals (CA) in CA-G.R. CR.-H.C. No. 03356, which affirmed with modifications the Decision² of the Regional Trial Court (RTC) of Manila, Branch 38 dated 29 April 2008, finding Apolinario Manalili y Jose guilty beyond reasonable doubt of the crime of statutory rape.

In a Resolution³ dated 07 April 2010, we required the parties to file their respective supplemental briefs. The parties, however, manifested that

* Per Special Order No. 1525 dated 22 August 2013.

¹ Rollo, pp. 2-17; Penned by Associate Justice Sesinando E. Villon with Associate Justices Hakim S. Abdulwahid and Mario V. Lopez concurring.

² Records, pp. 17-180; Penned by Presiding Judge Ma. Celestina C. Mangrobang.

³ Rollo, pp. 24-25.

they have exhausted their arguments before the CA and thus, will no longer file any supplemental brief.⁴

The Facts

Apolinario Manalili y Jose (Manalili) was charged before the RTC of Manila with statutory rape as defined and penalized under Article 266-A, par. 1 of the Revised Penal Code in relation to Section 5(b) of R.A. No. 7610, otherwise known as “Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act.”

The amended information reads:

That on or about the 16th day of March, 1998, in the city of x x x,⁵ Philippines, the said accused, conspiring and confederating together and helping each other, did then and there willfully, unlawfully and knowingly commit abusive acts and lascivious conduct upon the person of AAA, a minor, 10 years of age, by then and there pulling down her panty, caressing her private part, mashing her [breasts], kissing her face and neck and trying to insert his penis on the vagina of said minor, and in the process, the penis of said accused touched the labia of the vagina of said minor, against her will and without her consent, thereby gravely endangering the normal growth and development of the said child.⁶ (Underlining omitted)

The antecedent facts were culled from the records of the case.

Upon arraignment, Manalili entered a plea of “not guilty”⁷ to the offense charged against him. On 30 August 2004, the pre-trial of the case was ordered closed and terminated,⁸ thus, trial on the merits ensued.

According to the prosecution’s evidence, the offense transpired on 16 March 1998 at around 7 o’clock in the evening in the house of Manalili located on YYY Street.

4 Id. at 27-29 and 31-33.

5 The real names of the victim and of the members of her immediate family are withheld pursuant to Republic Act No. 7610 (Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act) and Republic Act No. 9262 (Anti-Violence Against Women and Their Children Act of 2004). See *People v. Cabalquinto*, 533 Phil. 703 (2006).

6 Records, pp. 58-59.

7 Id. at 88.

8 Id. at 92.

AAA, the victim who was then barely eleven (11) years old⁹ narrated that on said day and time she was playing with her friends in front of their house, which is near the store owned by BBB. Manalili was drinking with three (3) of his friends in front of his house on ZZZ Street, which is located across the store and is one house away from AAA's house. While AAA was chatting with the son of the store owner, Manalili whom she addresses as "*Ninong* Nario" called her and asked her to go to his other house on YYY street, to get a dustpan because one of his drinking mates vomited. AAA readily complied and went to Manalili's house. No one was around at that time and it was dark inside the house. The drunken Manalili followed AAA in said house on YYY Street and ordered AAA to remove her panty. She refused but Manalili undressed her, laid her down on the floor and went on top of her naked body. Likewise, Manalili was naked and had no briefs on. Manalili forcibly tried to insert his penis into her vagina. AAA felt pain and cried as Manalili tried to push in his organ. Unsuccessful, Manalili then inserted his finger into AAA's vagina. Feeling severe pain, AAA resisted by holding Manalili's hand. Afterwards, Manalili directed AAA to hold his penis and AAA did as she was told. Manalili ordered her to use her hands to make downward and upward movements on his phallic organ. She felt sticky substance coming out and afterwards wiped off her hands of the said substance. Manalili also kissed her neck and breasts. After Manalili satisfied his lust, AAA was directed to go home and was instructed not to let anyone see her leave the house of Manalili.

The next day, CCC, AAA's mother, saw the marks on AAA's neck and breast and asked AAA what happened. AAA replied, "*nakayod sa yero.*"¹⁰ Unconvinced and suspicious, AAA's mother continued questioning her. AAA kept quiet, refused to answer and left for school. Eventually, AAA confided to her aunt, DDD, what actually happened on the night of 16 March 1998. Upon learning of the molestation, DDD immediately told CCC, her sister-in-law and mother of AAA. AAA eventually admitted "*Ninong* Nario" placed the kiss marks.¹¹ CCC and DDD confronted the accused but the latter denied the accusation. This prompted CCC and DDD to file a complaint before investigator, PO1 Maribel F. Fiedacan. On 18 March 1998, AAA was subjected to a medico genitalia examination conducted by a Medico Legal Officer of the Medico Legal Division of the National Bureau of Investigation (NBI), Manila. AAA also executed a *Sinumpaang Salaysay* dated 18 March 1998¹² assisted by her mother, CCC.¹³ According to the victim, she was molested more than three (3) times by Manalili before the

9 Id. at 103; Exhibits "I" & "I-1."

10 TSN, 10 November 2004, p. 5.

11 Id. at 6.

12 Records, p. 24; Exhibits "G" and "G-1."

13 Id.; Exhibit "G-2."

incident at hand. AAA claimed that she never told anybody because she was scared.

On cross-examination, AAA clarified that accused is not her godfather but that of her brother and that the house number of the accused is 1672, while theirs is 1670. AAA described the place of the incident in detail. Although it was dark, AAA narrated that she was certain it was Manalili who followed her inside the house. Familiar with Manalili's voice, AAA positively identified Manalili when he instructed her to remove her underwear. Likewise, she was able to touch the back of Manalili when she was laid down. She recalled that while drinking, Manalili was only wearing pants without a t-shirt on. She claims that the man who mounted her only had pants on, without a t-shirt. She explained that she initially did not admit who placed kiss marks on her because of the threats and warnings of Manalili but when her mother and aunt scolded her, she eventually admitted.

Dr. Alvin A. David, the medico-legal officer of the NBI, testified that during the medical examination, he found two (2) contusions, one on the neck and one on the right breast of the victim, as shown in the anatomical diagram he prepared.¹⁴ He explained that in sexual abuse cases, contusions could be caused by suction on the skin, resulting in discoloration. These kinds of contusions, in layman's terms, are considered love bites or kiss marks. He also observed that the hymen was not violated and still intact. The tests conducted for vaginal smear yielded negative¹⁵ for the presence of spermatozoa.¹⁶

For his defense, Manalili testified and he vehemently denied the accusations. In open court, he admitted knowing the victim, AAA, as he is one of the godfathers of AAA's sibling and they live on the same street. In denying the alleged rape, he pointed out that he lives with his wife and that on the night of the incident, he was drinking with his friends in front of his house on ZZZ Street. On cross-examination, the accused reasons out that the complaint was filed against him only because CCC, the victim's mother, has always resented her husband's drinking sprees with him.¹⁷

14 Id. at 128; Exhibit "B-3."

15 TSN, 26 September 2005, p. 7.

16 Records, pp.172-176.

17 Id. at 175-176.

The RTC Decision

On 29 April 2008, the RTC rendered a decision convicting Manalili of statutory rape. The dispositive portion of the decision states:

WHEREFORE, in the light of the foregoing premises, the Court finds that the prosecution was able to prove the guilt of the accused beyond reasonable doubt for the crime of Rape under Art. 266-A par. 1 of the Revised Penal Code, as amended, in relation to Sec. 5 (b) of R.A. 7610, accused Apolinario Manalili y Jose is hereby sentenced: (1) to suffer the penalty of Reclusion Perpetua; (2) to pay the minor [AAA] One Hundred Thousand (P100,000) Pesos as moral damages; and (3) to pay the costs.¹⁸

Aggrieved, Manalili appealed to the CA raising the following assignment of errors for consideration:

1. **THE TRIAL COURT GRAVELY ERRED IN FINDING THE ACCUSED-APPELLANT GUILTY BEYOND REASONABLE DOUBT OF THE CRIME OF RAPE DESPITE THE PROSECUTION'S FAILURE TO OVERTHROW THE CONSTITUTIONAL PRESUMPTION OF INNOCENCE IN HIS FAVOR.**
2. **THE TRIAL COURT GRAVELY ERRED IN RENDERING A VERDICT OF CONVICTION DESPITE THE FACT THAT THE IDENTIFICATION OF THE ACCUSED-APPELLANT AS THE ALLEGED PERPETRATOR OF THE OFFENSE CHARGED WAS NOT CLEAR, POSITIVE AND CONVINCING.**¹⁹

The CA Decision

In the assailed decision, the CA affirmed with modification the judgement of conviction of the RTC. The CA ruled that the prosecution was able to prove the existence of all the essential elements of statutory rape beyond reasonable doubt. The dispositive portion of the CA decision reads:

WHEREFORE, the appealed decision of the RTC of Manila, Branch 38 dated April 29, 2008 is hereby **AFFIRMED WITH MODIFICATION**. In addition to the imposed penalty of *reclusion perpetua*, appellant is hereby ordered to pay the minor victim AAA the

18 Id. at 180.

19 CA *rollo*, p. 37; Brief for the Accused-Appellant.

amount of P50,000.00 as civil indemnity ex delicto, P50,000.00 as moral damages and P25,000.00 as exemplary damages.²⁰

Ruling of this Court

This court finds no merit in the present appeal for reasons to be discussed hereunder. The Court finds no reason to disturb the decisions of the courts below.

We quote with approval the pertinent disquisitions²¹ of the CA as follows:

Rape is essentially an offense of secrecy, not generally attempted except in dark or deserted and secluded places away from the prying eyes, and the crime usually commences solely upon the word of the offended woman herself and conviction invariably turns upon her credibility, as the prosecution's single witness of the actual occurrence.²² As a corollary, a conviction for rape may be made even on the testimony of the victim herself, as long as such testimony is credible. In fact, the victim's testimony is the most important factor to prove that the felony has been committed.²³

In reviewing rape cases, the Court had always been guided by the well-entrenched principles: (1) an accusation of rape can be made with facility and while accusation of rape is difficult to prove, it is even more difficult to disprove; (2) considering that in the nature of things, only two persons are usually involved in the crime of rape, the testimony of the complainant should be scrutinized with great caution; and (3) the evidence for the prosecution must stand or fall on its own merits and cannot be allowed to draw strength from the weakness of the evidence for the defense.

Manalili contends that AAA's testimony is not sufficient to convict him because the identity of the accused as the perpetrator of the crime was not positively established. We find such argument untenable. Jurisprudence is instructive that identification of an accused by his voice has been accepted particularly in cases where, such as in this case, the witness has known the malefactor personally for so long and so intimately.²⁴ This Court has opined that once a person has gained familiarity with another, identification becomes quite an easy task even from a considerable distance.²⁵

20 *Rollo*, p. 16.

21 *Id.* at 9.

22 *Id.* citing *People v. Molleda*, G.R. No. 153219, 1 December 1993, 417 SCRA 53.

23 *Id.* citing *People v. Antonio*, G.R. No. 145726, 26 March 2003, 399 SCRA 585.

24 *People v. Tuazon*, 563 Phil. 74, 88 (2007) citing *People v. Intong*, 466 Phil. 73, 742 (2004).

25 *People v. Reyes*, 369 Phil. 61, 76 (1999).

Furthermore, settled is the rule that the testimony of a single witness may be sufficient to produce a conviction, if the same appears to be trustworthy and reliable. If credible and convincing, that alone would be sufficient to convict the accused.²⁶ No law or rule requires the corroboration of the testimony of a single witness in a rape case.²⁷

The trial court noted that during AAA's cross-examination, her testimony bore the hallmarks of truth, as she remained consistent on material points. We find no reason to disturb the trial court's appreciation of the credibility of AAA's testimony. The trial court's assessment deserves great weight, and is even conclusive and binding if not tainted with arbitrariness or oversight of some fact or circumstance of weight and influence. "[T]he assessment of the credibility of witnesses is a domain best left to the trial court judge because of his unique opportunity to observe their deportment and demeanor on the witness stand; a vantage point denied appellate courts-and when his findings have been affirmed by the Court of Appeals, these are generally binding and conclusive upon this Court."²⁸

The accused would have us believe that AAA's mother only forced her to file a complaint for rape because the mother resented the drinking sessions of her husband with the accused. We find this untenable. As aptly pointed out by the Solicitor General, no mother in her right mind would subject her child to the humiliation, disgrace and trauma attendant to the prosecution of rape cases, unless she was motivated by her desire to incarcerate the person for her child's defilement.²⁹ It is highly inconceivable that a mother would willfully and deliberately corrupt the innocent mind of her young daughter and put into her lips the lewd description of a carnal act to justify a personal grudge or anger against appellant.³⁰

Moreover, this Court has held time and again that testimonies of rape victims who are young and immature deserve full credence, considering that no young woman, especially of tender age, would concoct a story of defloration, allow an examination of her private parts, and thereafter pervert herself by being subject to public trial, if she was not motivated solely by the desire to obtain justice for the wrong committed against her.³¹ Although she

26 *People v. Perez*, G.R. No. 182924, 24 December 2008, 575 SCRA 653, 672 citing *People v. Balajadia*, G.R. No. 96988, 2 August 1993, 225 SCRA 22, 28.

27 *Id.* citing *People v. Limon*, 366 Phil. 29, 38 (1999).

28 *Vidar v. People*, G.R. No. 177361, 1 February 2010, 611 SCRA 216, 230.

29 *People v. Lomerio*, 383 Phil. 434, 452 (2000).

30 *People v. Tuazon*, *supra* note 24 at 510 citing *People v. Malones*, 469 Phil. 301, 327 (2004); *Rollo*, pp. 85-86; Brief for the Plaintiff-Appellee.

31 *People v. Perez*, *supra* note 26 at 671 citing *People v. Villafuerte* G.R. No. 154917, 18 May 2004, 428 SCRA 427, 433.

failed to report the incident immediately, such reaction is deemed normal considering that she was only 10 years old at that time.

With regard to the results of the medical examination, this Court holds that the absence of laceration and semen does not preclude the fact that rape has been committed. In the crime of rape, complete or full penetration of the complainant's private part is not at all necessary. Neither is the rupture of the hymen essential. What is fundamental is that the entry or at the very least the introduction of the male organ into the labia of the pudendum is proved. The mere introduction of the male organ into the labia majora of the complainant's vagina, consummates the crime.³² Likewise, the absence of semen in AAA's vaginal area would not preclude a finding of rape. The presence or absence of spermatozoa is immaterial because the presence of spermatozoa is not an element of rape. Moreover, it has been held that the absence of spermatozoa in the vagina could be due to a number of factors, such as the vertical drainage of the semen from the vagina, the acidity of the vagina or the washing of the vagina immediately after sexual intercourse.³³

The accused merely denied the accusation, proffering the alibi that he was outside his house on ZZZ Street at the time of alleged incident. His denial could not prevail over AAA's direct, positive and categorical assertion. For Manalili's alibi to be credible and given due weight, he must show that it was physically impossible for him to have been at the scene of the crime at the approximate time of its commission. This Court has consistently held that denial is an intrinsically weak defense which must be buttressed by strong evidence of non-culpability to merit credibility.³⁴ No jurisprudence in criminal law is more settled than that alibi is the weakest of all defenses, for it is easy to contrive and difficult to disprove and for which reason it is generally rejected.³⁵ For the alibi to prosper, it is imperative that the accused establishes two elements: (1) he was not at the *locus delicti* at the time the offense was committed; and (2) it was physically impossible for him to be at the scene at the time of its commission.³⁶ More importantly, Manalili failed to provide any corroborative evidence that could prove his defense.

The first element of statutory rape, (a) that the victim is a female under 12 years or is demented,³⁷ was substantiated by the presentation of the

32 *People v. Balunsat*, G.R. No. 176743, 28 July 2010, 626 SCRA 77, 92 citing *People v. Flores*, 448 Phil. 840, 856 (2003).

33 *People v. Perez*, supra note 26 at 677 citing *People v. Freta*, 406 Phil. 854, 861 (2001).

34 *People v. Villafuerte*, G.R. No. 154917, 18 May 2004, 428 SCRA 427, 435.

35 *People v. Sanchez*, 426 Phil. 19, 31 (2002).

36 *People v. Flora*, 389 Phil. 601, 611; 334 SCRA 262, 272 (2000).

37 *People v. Teodoro*, G.R. No. 175876, 20 February 2013.

Birth Certificate of the victim,³⁸ while the second element, (b) that the offender had carnal knowledge of the victim,³⁹ was evidenced by the testimony of the victim herself. Thus, the lower court was correct in sentencing accused-appellant to a penalty of *Reclusion Perpetua*.

Pursuant to recent jurisprudence,⁴⁰ there is no longer any debate that the victim in statutory rape is entitled to a civil indemnity of ₱50,000.00, moral damages of ₱50,000.00, and exemplary damages of ₱30,000.00. The award of civil indemnity of ₱50,000.00 is mandatory upon the finding of the fact of rape. Similarly, the award of moral damages of ₱50,000.00 is mandatory, and made without need of allegation and proof other than that of the fact of rape, for it is logically assumed that the victim suffered moral injuries from her ordeal. In addition, exemplary damages of ₱30,000.00 are justified under Article 2229 of the Civil Code to set an example for the public good and to serve as deterrent to those who abuse the young.

WHEREFORE, all the foregoing considered, the appeal is **DENIED**. The decision of the Court of Appeals promulgated on 19 October 2009 finding accused-appellant Apolinario Manalili y Jose guilty beyond reasonable doubt of statutory rape and sentencing him to suffer the penalty of *reclusion perpetua* is **AFFIRMED**, with the **MODIFICATION** that he is ordered to pay the victim the amounts of ₱50,000.00 as civil indemnity; ₱50,000.00 as moral damages; and ₱30,000.00 as exemplary damages, plus interest on all damages awarded at the legal rate of 6% per annum from the date of finality of this decision.

SO ORDERED.

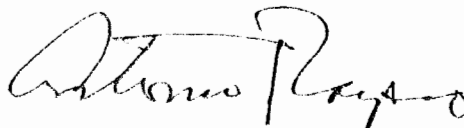

JOSE PORTUGAL PEREZ
Associate Justice

38 Records, p. 103; Exhibit "I."

39 *People v. Teodoro*, supra note 37.

40 Id. citing *People v. Bego*, G.R. No. 181246, 20 March 2009, 582 SCRA 189, 198-199; *People v. Pabol*, C.E. No. 18/084, 12 October 2009, 603 SCRA 522, 532; *People v. Matunhay*, G.R. No. 178274, 5 March 2010, 614 SCRA 301, 321; *People v. Fornis*, G.R. No. 183456, 18 December 2008, 574 SCRA 903, 920.

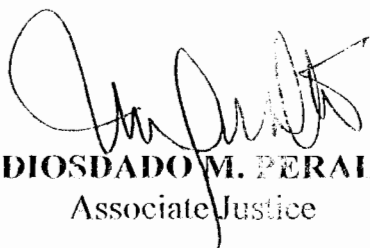
WE CONCUR:



ANTONIO T. CARPIO

Associate Justice

Chairperson



DIOSDADO M. PERALTA

Associate Justice



MARIANO C. DEL CASTILLO

Associate Justice

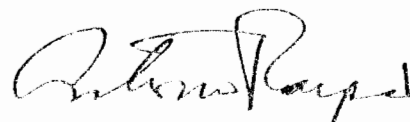


ESTELA M. GERLAS-BERNABE

Associate Justice

ATTESTATION

I attest 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

Associate Justice

Chairperson, Second Division

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution and the Division Chairperson's Attestation, 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