



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff -Appellee,

G.R. No. 199868

Present:

- versus -

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

DALTON LAURIAN, JR. y
PUGSOT,
Accused-Appellant.

Promulgated:

DEC 11 2013

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D E C I S I O N

LEONARDO-DE CASTRO, J.:

This is an appeal from a Decision¹ dated January 27, 2011 of the Court of Appeals in CA-G.R. CR.-H.C. No. 01492, entitled *People of the Philippines v. Dalton Laurian, Jr. y Pugsot*, which affirmed the Decision² dated April 15, 2005 of the Regional Trial Court (RTC) of La Trinidad, Benguet, Branch 9 in Criminal Case No. 02-CR-4443. The trial court convicted appellant Dalton P. Laurian, Jr. of one (1) count of rape defined under Article 266-A of the Revised Penal Code.

The Office of the Provincial Prosecutor of Benguet charged appellant with rape in an Information³ dated February 27, 2002, the accusatory portion of which states:

That on or about the 28th day of September 2001, at Poblacion, Municipality of Buguias, Province of Benguet, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, by means of force, threats and intimidation, did then and there willfully, unlawfully and feloniously have carnal knowledge with one [AAA⁴], a minor, who is

¹ Rollo, pp. 2-16; penned by Associate Justice Jane Aurora C. Lantion with Associate Justices Andres B. Reyes, Jr. and Japar B. Dimaampao, concurring.

² CA rollo, pp. 8-28.

³ Records, pp. 1-2.

⁴ The Court withholds the real name of the victim-survivor and uses fictitious initials instead to represent her. Likewise, the personal circumstances of the victims-survivors or any other

MLC

sixteen (16) years, three (3) months and four (4) days old, and under 18 years of age, against her will and consent, to her damage and prejudice.

Appellant was arraigned on April 29, 2002 and he pleaded “NOT GUILTY” to the charge against him.⁵ During the subsequent pre-trial conference, appellant admitted the jurisdiction of the trial court and the minority of AAA.⁶

In the Plaintiff-Appellee’s Brief, the prosecution summed the factual antecedents of this case in this wise:

About 9:00 o’clock in the evening of September 28, 2001, victim [AAA], together with her friend [BBB], were on their way home after attending a fellowship at the Assembly of God Church, Poblacion, Buguias, Benguet. Along the way, appellant Dalton Laurian, Jr. suddenly pulled [AAA] by the hand and led her towards the store of a certain Lydia Pagaling.

[AAA] resisted by pulling away her hands, and grabbing [BBB], but appellant did not let go. At the store, appellant assured them that they would not stay for long and that they would be allowed to leave soon. [BBB], however, upon finding an opportunity, was able to run away.

Appellant dragged [AAA] to a nearby clinic, then to a playground. During this time, [AAA] was not able to shout, out of fear of the appellant who was drunk. The threat continued, with appellant saying that he would throw a stone at anyone who would come near them. Just then, [AAA] heard the voice of her landlady, Mrs. Felisa Cabaling, calling her name on the road adjacent to the playground. [Appellant] ordered her to hide. She did so - - fear having overwhelmed her.

When [AAA]’s landlady stopped calling for her name, appellant again lugged [AAA] to a classroom at the Baguias Central School. Appellant pushed her inside, made her lie down, and went on top of her. He unhooked her bra, held her breasts, and kissed her. [AAA] tried to push away the set chairs where she was made to lie down, but appellant pinned down her head. Due to this struggle, [AAA] bumped her head and lost consciousness.

It was already 3 o’clock in the morning when [AAA] regained consciousness. She felt pain in her head, vagina and feet. Her pants were unzipped, and she saw blood in her underwear when she went to the comfort room to urinate. After crying in the comfort room, she went outside, only to find the appellant. He pulled her into the room, and thereafter let her go home.

Out of fear, [AAA] never told anyone of the incident. It was only when her landlady wrote her mother, informing her of her disappearance on that fateful night that she eventually told her mother what happened.

information tending to establish or compromise their identities, as well as those of their immediate families or household members, are not to be disclosed. (*See People v. Cabalquinto*, 533 Phil. 703 [2006].)

⁵ Records, p. 31.

⁶ Id. at 53-54.

After learning of the incident, [AAA] was immediately referred to a psychologist and to Dr. Vladimir Villaseñor for medical check-up. The examination conducted by Dr. Villaseñor, Medico-legal Officer III of the PNP Regional Crime Laboratory, revealed shallow healed lacerations at 3 and 7 o'clock positions and deep healed lacerations at 9 o'clock positions of the hymen. Likewise, the examination found the presence of sexual abuse, upon his examination of [AAA]. On the other hand, Psychologist Christine Golocan, after a series of psychological tests found [AAA] to be below average. She likewise found her to be suffering intense anxiety, inferred to be due to her traumatic experience of sexual abuse.

Thereafter, [AAA] filed a criminal complaint against appellant. Upon learning of the case filed by [AAA], appellant Dalton went to the house of [AAA]'s grandfather five (5) times to offer marriage to victim [AAA] as a form of settlement. [AAA] was then sixteen (16) years old.⁷ (Citations omitted.)

On the other hand, the defense offered an alternate narrative which was recounted by the trial court, thus:

At 2 o'clock in the afternoon of September 28, 2001, [appellant] was with Rodel Benito at the store of Jane Atas where they drank one bottle of round post gin while conversing with each other. They spent four (4) hours there and thereafter, went out and proceeded to the store of Conchita Bayas. Because they did not have anymore the money to buy drinks, they just stood at the doorway of the store of Conchita Bayas and continued conversing for about 30 minutes. When [appellant] went to answer the call of nature, Rodel Benito went away so he proceeded to the front of the closed store of Lydia Pagaling where he came upon John Lesino, Roy Menzi, Rodel Benito and Jane Macay conversing about his brother being mauled. After about thirty (30) minutes, he met [AAA] who just came from the Jesus is Alive Church fellowship with [BBB]. [Appellant] held [AAA]'s hands and led her to the closed Lydia's store. [AAA] sat with him and thereafter, they stood up and proceeded to the RHU. While [appellant] was holding [AAA] by the hand, the latter never resisted. Since there were many people inside the clinic, they were able to see his brother only through the window. After a while, they proceeded to the school playground and they sat on the first waiting shed where he courted her. They transferred to the second waiting shed about ten (10) meters away and they continued their conversations when they heard Mrs. Felisa Cabaling about 20 meters away calling for [AAA]. [Appellant] told [AAA] to respond but [AAA] went instead to hide at the back of the cemented waiting shed. When they can no longer hear the shout of Mrs. Cabaling, [AAA] returned to him and they went to the classroom of his mother at the Buguias Elementary School. [Appellant] was informed that Mrs. Cabaling was with [BBB]. While they were in the second waiting shed, [appellant] never heard [AAA] shout for help. [Appellant] never forced [AAA] to go with him inside the classroom. That they were able to enter the classroom of his mother because [appellant] was able to get the key to the classroom. After getting inside the classroom, [appellant] went out locked the door and passed through the window in going back inside. [Appellant] saw Rodel Benito, went out through the window and shouted for him.

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CA rollo, pp. 139-142.

[Appellant] went back inside and saw [AAA] seated on the desk and then Rodel Benito came inside through the window. While [AAA] was seated, [appellant] arranged four desks and there, he and [AAA] lie down while Rodel Benito also lied down at the front desk. When [AAA] felt going to the comfort room, she woke [appellant] up because he [fell] asleep. [Appellant] denied having hit the head of [AAA] with something or the desk and that [AAA] never lost consciousness while they were inside the classroom. At 3 o'clock in the early morning the following day, [AAA] told him that she would be going home. [Appellant] told her that he will accompany her to their boarding house but when they were at the waiting shed, [AAA] told him that she will go alone so he returned to the classroom and continued to sleep. When [appellant] went back to the classroom, Rodel Benito was no longer there. [Appellant] was able to see [AAA] three (3) days after September 28, 2001 at the Buguias Central School. [Appellant] came only to know of this case filed against him by [AAA] through his mother three weeks later and he scolded his mother saying it was not true. When [appellant] received a subpoena from Fiscal Gondayao and he said that the charges were not true, Fiscal Gondayao advised him to go to the house of [AAA] and settle matters together so he went to the house of [AAA] five (5) times but the family of [AAA] did not like. x x x.⁸

After hearing the testimonies of the witnesses and examining the evidence presented in this case, the trial court rendered a guilty verdict on April 15, 2005, the dispositive portion of which states:

WHEREFORE, accused **DALTON LAURIAN, JR.** is hereby pronounced guilty of the crime charged and hereby sentenced to suffer the penalty of ***Reclusion Perpetua***.

Moreover, accused is ordered to indemnify the private complainant the amount of ₱50,000.00 as civil indemnity; ₱50,000.00 as moral damages and ₱25,000.00 as exemplary damages.

Meanwhile, let the records of this case be transmitted to the Court of Appeals for automatic review in view of the nature of the penalty imposed.

No pronouncement as to costs.⁹

Appellant appealed his case to the Court of Appeals but the appellate court merely upheld the lower court's judgment in the assailed January 27, 2011 Decision, the dispositive portion of which is reproduced here:

WHEREFORE, the instant appeal is **DISMISSED**. The *Decision* dated 15 April 2005 of the Regional Trial Court of La Trinidad, Benguet, Branch 9, in Criminal Case No. 02-CR-4443 is hereby **AFFIRMED**.¹⁰

⁸ Id. at 58-60.

⁹ Id. at 27-28.

¹⁰ *Rollo*, p. 15.

Thus, the appellant, through the instant appeal, pleads his innocence before this Court by reiterating the following arguments in his brief:

(A)

THE TRIAL COURT ERRED IN APPRECIATING THE EVIDENCE IN FAVOR OF THE COMPLAINANT-APPELLEE AND IN RULING THAT THE PUBLIC PROSECUTOR HAS PROVED THE GUILT OF THE ACCUSED BEYOND REASONABLE DOUBT.

(B)

THE TRIAL COURT GRAVELY ABUSED ITS DISCRETION IN NOT ACQUITTING THE ACCUSED DESPITE COMPLAINANT'S MANIFESTLY DOUBTFUL ACCOUNT OF THE ALLEGED RAPE ON SEPTEMBER 28, 2001.

(C)

THE TRIAL COURT ERRED IN RESOLVING TO CONVICT THE ACCUSED-APPELLANT OF THE CRIME CHARGED DESPITE THE WEAKNESS OF THE EVIDENCE OF THE PROSECUTION.¹¹

Appellant subsequently submitted a supplemental brief which assigned the following errors to the findings of the Court of Appeals:

I

THE HONORABLE COURT OF APPEALS SERIOUSLY ERRED IN CONVICTING THE ACCUSED-APPELLANT DESPITE THE INSUFFICIENCY OF EVIDENCE PRESENTED BY THE PROSECUTION.

II

THE HONORABLE COURT OF APPEALS SERIOUSLY ERRED IN CONVICTING THE ACCUSED-APPELLANT OF THE CRIME OF RAPE UNDER ART. 266-A, PARAGRAPH 1(A) DESPITE THE FACT THAT BASED ON THE EVIDENCE PRESENTED, THE VICTIM WAS THEN UNCONSCIOUS WHEN THE ALLEGED RAPE WAS COMMITTED.

III

THE HONORABLE COURT OF APPEALS GRAVELY ERRED IN CONVICTING THE ACCUSED-APPELLANT DESPITE CLEAR VIOLATION OF ACCUSED RIGHT TO DUE PROCESS.¹²

In fine, appellant argues that he deserves to be acquitted of the charge of rape made against him because the trial court erroneously relied on insufficient evidence to convict him. He insists that his guilt was not proven

¹¹ CA rollo, p. 46.

¹² Rollo, pp. 35-36.

beyond reasonable doubt because the trial court gave unwarranted credence on the incredible and inconsistent testimony of AAA while downplaying, if not totally disregarding, the abundant testimonial evidence that supported his innocence. Furthermore, he questions the validity of his conviction of the felony of rape under Article 266-A, paragraph 1(a) of the Revised Penal Code, purportedly committed through force, threat and intimidation, despite the fact that, based on her own testimony, AAA was unconscious when the alleged rape was committed.

After a careful and painstaking reexamination of the records of this case, we are convinced that there is no merit in the present appeal.

In a prosecution for rape, we have consistently held that the accused may be convicted solely on the basis of the testimony of the victim that is credible, convincing, and consistent with human nature and the normal course of things.¹³ We likewise emphasized in jurisprudence that, by the very nature of the crime of rape, conviction or acquittal depends almost entirely on the credibility of the complainant's testimony because of the fact that, usually, only the participants can directly testify as to its occurrence.¹⁴

Furthermore, we have, time and again, reiterated this Court's practice of giving great weight to the trial court's assessment of the credibility of witnesses especially when it is affirmed by the appellate court. In *People v. Piosang*,¹⁵ we restated this principle in this manner:

[F]indings of fact of the trial court, particularly when affirmed by the Court of Appeals, are binding upon this Court. As a general rule, on the question whether to believe the version of the prosecution or that of the defense, the trial court's choice is generally viewed as correct and entitled to the highest respect because it is more competent to conclude so, having had the opportunity to observe the witnesses' demeanor and deportment on the witness stand as they gave their testimonies. The trial court is, thus, in the best position to weigh the conflicting testimonies and to discern if the witnesses were telling the truth. x x x.

Guided by the aforementioned principles, we find no cogent reason to depart from the factual findings of the trial court. Consequently, we sustain the conclusions derived by the trial court on the basis of said findings. While, admittedly, the testimonies of the prosecution and defense witnesses contradict and contrast each other on several aspects of the common narrative, we are guided by both practicality and precedent to relegate the resolution of such points of contention to the astute inferences made by the trial court judge who was in the best position to perform the very personal task of gauging the credibility of witnesses. Absent any plausible demonstration on the part of the appellant that both the trial court and the Court of Appeals overlooked a material fact that otherwise would change the

¹³ *People v. Bustamante*, G.R. No. 189836, June 5, 2013.

¹⁴ *People v. Penilla*, G.R. No. 189324, March 20, 2013, 694 SCRA 141, 149.

¹⁵ G.R. No. 200329, June 5, 2013.

outcome, or misappreciated a circumstance of consequence, there is no compelling basis to deviate from what has already been factually established in this case.

Article 266-A of the Revised Penal Code defines when and how the felony of rape is committed, to wit:

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;

(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.

2) By any person who, under any of the circumstances mentioned in paragraph 1 hereof, shall commit an act of sexual assault by inserting his penis into another person's mouth or anal orifice, or any instrument or object, into the genital or anal orifice of another person.

In the case at bar, appellant is accused of having carnal knowledge of AAA through the use of force or intimidation. A review of the transcript of AAA's testimony made in open court reveals that she was clear and straightforward in her assertion that appellant raped her in the manner described in the criminal charge. The pertinent portions of AAA's testimony are reproduced as follows:

[PROSECUTOR PATARAS]

Q And what was that unusual incident that happened while you were going home?

A While we were walking home along the road, there was [appellant] and he got hold of my left hand.

Q Do you know of any reason why [appellant] held your left hand?

A None, sir.

Q Now, when [appellant] held your hand, did he say anything, Madam Witness?

A None, sir. He pulled me to the store of Lydia.

Q How about your companion [BBB], where was she when [appellant] held your hand and pulled you to the store?

A I pulled her along with me.

Q Now, Madam Witness, what happened, if any, when [appellant] pulled you to the store?

A He made us sit down on the chair and I was trying to pull my hand so that we will go home but he just held my hand.

Q And what was your reaction, if any, when [appellant] held your hand?

A I was pulling my hand and my body backwards but he didn't let me go.

Q And after [appellant] made you sit, what happened next, if any?

A He said that we are going to leave in a while and I was trying to pull myself and my hand backwards but he did not let me go.

Q How about [BBB], where was she when [appellant] made you sit down?

A We sat down and after a while [BBB] ran away.

Q And what happened when [BBB] ran away?

A He pulled me to the clinic because he wants to see his older brother who was injured.

x x x x

Q And what did you do, if any, while [appellant] was pulling you towards the clinic?

A I was pulling myself but he did not want to let go of me.

x x x x

Q While [appellant] was pulling you, you did not shout, Madam Witness?

A No, sir, because he was drunk and I am afraid of him.

Q Why are you afraid of [appellant] being drunk?

COURT:

Let it be of record that it takes her a hard time in answering the question. Reform the question.

PROS. PATARAS:

Have you known [appellant] before that incident on September 28, 2001?

A No, sir.

x x x x

Q And while you were being pulled by [appellant] towards the playground from the clinic, what were you doing, if any?

A I was pulling myself and my hand because I wanted to go home.

x x x x

Q Now, you said that he let you sit down at the waiting shed, what happened next when [appellant] let you sit down at the waiting shed?

A He let me sit down and he picked a stone.

Q Do you know of any reason why he picked a stone?

A He said that if somebody comes here, he will throw the stone at him.

Q And after [appellant] picked up the stone, what happened next, if any?

A Then I heard Mrs. Cabaling shouting.

COURT:

Make it of record that the witness is shedding tears.

PROS. PATARAS:

Q Who is this Mrs. Cabaling, Madam Witness?

A My landlady, sir.

Q And what was she shouting when you heard her?

A She was calling my name, sir.

Q And what did you do, if any, when you heard Mrs. Cabaling shouting your name?

A [Appellant] said for me to hide, sir.

x x x x

Q And what did you do when [appellant] told you to hide?

A I followed what he said because I was afraid of him.

Q Now, why are you again afraid of him?

A Because he was drunk and he was holding a stone.

x x x x

Q Now, what happened next after you went to hide at the post of the waiting shed?

A When Mrs. Cabaling stopped shouting, he pulled me again to the classroom of his mother.

x x x x

Q And what happened next when he pulled you to the room of his mother at Buguias Elementary School?

A He was unlocking the door of the classroom while holding my hand. I was pulling myself away but he pushed me in front of him and he opened the door and he pushed me inside.

Q And what happened next after you were pushed inside the said classroom?

A He fixed the chairs and he made it face me.

Q And after [appellant] fixed the said chairs facing you, what happened next?

A When I was looking for a way out he pulled me and he made me lie down on the chair.

Q And what happened next, after [appellant] made you lie down on the chair?

A He went on top of me, sir.

PROS. PATARAS

May we just put on record that the witness continued to cry. May we know from the witness if she could continue to testify?

A Yes, sir.

Q And what happened when [appellant] went on top of you, if any?

A He went on top of me and he removed the hook of my bra and he held my breast.

Q And after holding your breast, what did he do next, if any?

A He kissed me.

Q What particular part of your body was kissed by this [appellant]?

A (The witness is pointing to her right cheek and to her neck.)

Q After he kissed you on your cheek and neck, what happened next?

A I was trying to push away the chairs and he put his hand on my head and he was fixing the chairs with his feet and all of a sudden my head was bumped and when I woke up it was already 3 o'clock in the morning.

COURT:

So, you had no consciousness when your head was bumped?

A None, sir. When I woke up it was already 3 o'clock in the morning.

PROS. PATARAS:

So, you want to tell this Honorable Court that you lost consciousness after your head was bumped to a hard object, is that your testimony?

A Yes, sir.

Q Now, after gaining your consciousness at about 3 o'clock in the morning, what did you feel, if any?

A My head was painful including my vagina and my feet.

Q How about your clothes, Madam Witness, what did you observe of them when you regained consciousness, if any?

A My zipper was unzipped.

Q Aside from noticing that your zipper was unzipped, what else did you observe with your clothes?

A When I went to the CR, I saw blood, sir.

Q Where did you see blood?

A In my panty, sir.

x x x x

Q Now, Madam Witness, what do you think happened to you on that particular night of September 28, 2001?

A What I know is that he raped me, sir.

Q What made you say that he raped you?

A Because my body was painful.

x x x x

Q For how long did you stay inside the CR?

A I just urinated and I saw the blood and I cried and then I intended to go home.

Q Now, you mentioned of blood, do you know where that blood came from?

A From my vagina.¹⁶ (Emphases supplied.)

Contrary to appellant's insistence that the essential element of the use of force or intimidation was not present in this case because AAA never exhibited an adequate amount of resistance despite the fact that appellant was drunk and unarmed, the cited text of AAA's testimony clearly showed otherwise. It is evident from the transcript that appellant used his physical superiority to intimidate and force AAA into coming with him inside a dark classroom and later to knock AAA unconscious which facilitated the consummation of his felonious carnal desire. Moreover, AAA's narration disclosed that she was not able to successfully resist appellant because she was simply overpowered by fear and by the physical force employed against her.

Nevertheless, it matters not whether AAA strongly resisted appellant's unwanted purpose for it is jurisprudentially settled that physical resistance need not be established when intimidation is brought to bear on the victim and the latter submits out of fear – the failure to shout or offer tenuous resistance does not make voluntary the victim's submission to the criminal acts of the accused.¹⁷

Furthermore, we have previously held that force or violence required in rape cases is relative – it does not need to be overpowering or irresistible and it is present when it allows the offender to consummate his purpose.¹⁸ In other words, the degree of force or violence required to be proven in a

¹⁶ TSN, November 25, 2002, pp. 5-13.

¹⁷ *People v. Lomaque*, G.R. No. 189297, June 5, 2013.

¹⁸ *People v. Funesto*, G.R. No. 182237, August 3, 2011, 655 SCRA 110, 116.

rape charge varies because it is dependent upon the age, size and strength of the parties and their relation to each other.

Thus, we quote with approval the Court of Appeals' detailed discussion on this particular aspect of the case:

Records show that AAA was only 16 years old and 5 feet 3 inches in height when she was raped, while appellant was 21 years old and 5 feet and 7 inches in height. The psychologist Golocan's report found AAA to be functioning intellectually below average level with an estimated IQ of 86 and appears to be lacking in perception, communication skills and discrimination. Understandably, a girl of such young age could only cower in fear and yield into submission to such an adult. Rape, after all, is nothing more than a conscious process of intimidation by which a man keeps a woman in a state of fear and humiliation. Thus, it is not even impossible for a victim of rape not to make an outcry against an unarmed assailant.¹⁹ (Citations omitted.)

With respect to AAA's actions immediately following the rape incident at issue as well as her delay in reporting the crime which appellant both characterized as indicative of the falsity of her accusation, we observe that such arguments are not novel in rape cases and have been shot down repeatedly by our pronouncements in jurisprudence. In *People v. Buado, Jr.*,²⁰ we dealt with these twin issues in this manner:

Verily, there has never been any uniformity or consistency of behavior to be expected from those who had the misfortune of being sexually molested. The Court has pointed out that some of them have found the courage early on to publicly denounce the abuses they experienced, but that there were others who have opted to initially keep their harrowing ordeals to themselves and to just move on with their lives as if nothing had happened, until the limits of their tolerance were reached. AAA belonged to the latter group of victims, as her honest declarations to the trial court revealed. Also, we cannot expect from the immature and inexperienced AAA to measure up to the same standard of conduct and reaction that we would expect from adults whose maturity in age and experience could have brought them to stand up more quickly to their interest. Lastly, long silence and delay in reporting the crime of rape to the proper authorities have not always been considered as an indication of a false accusation. (Citations omitted.)

In addition, there is jurisprudence which states that a rape charge becomes doubtful only when the delay or inaction in revealing its commission is unreasonable and unexplained.²¹ Those conditions do not obtain in the case at bar since, during the trial, AAA testified that she did not tell anyone in her boarding house about what happened to her right after the terrible encounter with appellant because she was afraid of her father.²² This candid statement from the victim not only discloses a plausible justification

¹⁹ *Rollo*, p. 14.

²⁰ G.R. No. 170634, January 8, 2013, 688 SCRA 82, 101-102.

²¹ *People v. Cabungan*, G.R. No. 189355, January 23, 2013, 689 SCRA 236, 244.

²² TSN, November 25, 2002, p. 14.

for the delay but it also further manifests her youth or immaturity which is a personal circumstance that has never prevented this Court from upholding the credibility of a witness. Instead, such a condition has been considered as a cornerstone of a testimony that is worthy of belief.

In *People v. Bonaagua*,²³ we held that:

It is well entrenched in this jurisdiction that when the offended parties are young and immature girls, as in this case, courts are inclined to lend credence to their version of what transpired, considering not only their relative vulnerability, but also the shame and embarrassment to which they would be exposed if the matter about which they testified were not true. A young girl would not usually concoct a tale of defloration; publicly admit having been ravished and her honor tainted; allow the examination of her private parts; and undergo all the trouble and inconvenience, not to mention the trauma and scandal of a public trial, had she not in fact been raped and been truly moved to protect and preserve her honor, and motivated by the desire to obtain justice for the wicked acts committed against her. x x x. (Citations omitted.)

Interestingly, when appellant was asked in open court whether he knew of any other motive which could have impelled AAA to accuse him of raping her, appellant only tersely replied that he had no knowledge of such things.²⁴

Lastly, it is also worthy to note that, when AAA relived her ordeal at the witness stand, she broke down in tears more than once. This only serves to bolster her credibility considering that we have consistently held that the crying of a victim during her testimony is evidence of the truth of the rape charges, for the display of such emotion indicates the pain that the victim feels when asked to recount her traumatic experience.²⁵

In the face of the serious accusation leveled against him, appellant interposed the defense of denial which was ineffectively supported by corroboration from witnesses who are composed of his friends and acquaintances.

It is well-settled in jurisprudence that denial, just like alibi, cannot prevail over the positive and categorical testimony and identification of an accused by the complainant and that mere denial, without any strong evidence to support it, can scarcely overcome the positive declaration by the victim of the identity and involvement of appellant in the crime attributed to him.²⁶

In the case at bar, the only supporting evidence that appellant has presented to back up his assertion that no rape took place during the time he

²³ G.R. No. 188897, June 6, 2011, 650 SCRA 620, 632.

²⁴ TSN, July 27, 2004, p. 25.

²⁵ *People v. Batula*, G.R. No. 181699, November 28, 2012, 686 SCRA 575, 585.

²⁶ *Pielago v. People*, G.R. No. 202020, March 13, 2013, 693 SCRA 476, 486.

spent with AAA inside the unlit classroom was the unreliable testimony of Rodel Benito. The testimony of said witness cannot be taken as credible because Benito is a close friend and drinking buddy of appellant and jurisprudence instructs us that testimonies of close relatives and friends are necessarily suspect and cannot prevail over the unequivocal declaration of a complaining witness.²⁷ Contrary to Benito's statement that he was alert and awake during the entire period in which appellant and AAA were together, AAA emphatically testified that Benito was drunk and asleep the whole time.²⁸

With regard to the testimony of the other defense witnesses, we have determined that they are immaterial and only intended to shore up appellant's claims that he and AAA knew each other prior to the rape incident at issue and that he had been courting AAA, implying they were sweethearts. Granting without conceding that this thesis holds true, the damning declaration made by AAA that she was raped by appellant on that fateful night still stands undiminished. The use of force or intimidation in sexual intercourse is not necessarily ruled out by the mere claim of an amorous relationship. Jurisprudence tells us that a love affair does not justify rape for a man does not have the unbridled license to subject his beloved to his carnal desires against her will.²⁹

In view of the foregoing, we therefore affirm the conviction of appellant for simple rape with a penalty of *reclusion perpetua*. The award of ₱50,000.00 as civil indemnity as well as ₱50,000.00 as moral damages is upheld. However, the award of exemplary damages is increased from ₱25,000.00 to ₱30,000.00 in line with jurisprudence.³⁰ Moreover, the amounts of damages thus awarded are subject further to interest of 6% per annum from the date of finality of this judgment until they are fully paid.³¹

WHEREFORE, premises considered, the Decision dated January 27, 2011 of the Court of Appeals in CA-G.R. CR.-H.C. No. 01492, affirming the conviction of appellant Dalton Laurian, Jr. in Criminal Case No. 02-CR-4443, is hereby **AFFIRMED** with the **MODIFICATIONS** that:

(1) The exemplary damages to be paid by appellant Dalton Laurian, Jr. is increased from Twenty-Five Thousand Pesos (₱25,000.00) to Thirty Thousand Pesos (₱30,000.00); and

²⁷ *People v. Cabanilla*, G.R. No. 185839, November 17, 2010, 635 SCRA 300, 318.

²⁸ TSN, December 2, 2002, p. 15.

²⁹ *People v. Banig*, G.R. No. 177137, August 23, 2012, 679 SCRA 133, 149 citing *People v. Cias*, G.R. No. 194379, June 1, 2011, 650 SCRA 326, 341.

³⁰ *People v. Basallo*, G.R. No. 182457, January 30, 2013, 689 SCRA 616, 645.

³¹ *People v. Vitero*, G.R. No. 175327, April 3, 2013, 695 SCRA 54, 69.

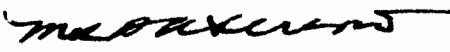
(2) Appellant Dalton Laurian, Jr. is ordered to pay the private offended party interest on all damages at the legal rate of six percent (6%) per annum from the date of finality of this judgment.

No pronouncement as to costs.

SO ORDERED.


TERESITA J. LEONARDO-DE CASTRO
Associate Justice

WE CONCUR:


MARIA LOURDES P. A. SERENO
Chief Justice
Chairperson

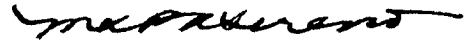

LUCAS P. BERSAMIN
Associate Justice


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