



Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff-Appellee,

G.R. No. 200508

Present:

- versus -

VELASCO, JR., J., *Chairperson*,
BRION,*
PERALTA,
ABAD, and
MENDOZA, JJ.

CHRISTOPHER RIVERA y
ROYO,

Promulgated:

Accused-Appellant.

SEP 04 2013

X-----*Macario*-----X

DECISION

MENDOZA, J.:

This is an appeal from the June 23, 2011 Decision¹ of the Court of Appeals (CA), affirming the Judgment² handed down by the Regional Trial Court Branch 17, Manila (RTC), in Criminal Case No. 04-230720, finding the accused, Christopher Rivera y Royo (*Rivera*), guilty beyond reasonable doubt of the crime of rape defined under Article 266-A of the Revised Penal Code (RPC) and penalized under Article 266-B thereof.

The Facts

On October 4, 2004, an Information for Rape under Article 266-A of the Revised Penal Code was filed against Rivera stating:

* Designated Acting Member in lieu of Associate Justice Marvic Mario Victor F. Leonen, per Special Order No. 1534 dated August 29, 2013.

¹ Penned by Associate Justice Juan Q. Enriquez, Jr., with Associate Justice Ramon M. Bato, Jr. and Associate Justice Florito S. Macalino, concurring. *Rollo*, pp. 2-10.

² Penned by Judge Eduardo B. Peralta, Jr., (now Associate Justice of the Court of Appeals), CA records, pp. 27-33.

That on or about September 29, 2004, in the City of Manila, Philippines, the said accused, with lewd designs and by means of force and intimidation, to wit: by then and there forcibly undressing one AAA and inserting his penis in her vagina, did then and there, wilfully, unlawfully and feloniously succeeded in having carnal knowledge of her against her will and without her consent.

CONTRARY TO LAW.³

As succinctly stated in the decision of the CA, AAA narrated the following:

She was 20-years old and worked as a housemaid in a house located at Quezon City. She came to know Rivera on September 28, 2004 because he was also working thereat as a security guard. She told Rivera about a misunderstanding with a co-worker. Rivera then offered to help her look for another job.

At around 10:00 o'clock in the morning of September 29, 2004, AAA went with Rivera believing that the latter will bring her to his parent's house in Quiapo. Rivera brought her to Ilang Ilang Motel⁴ located along Quezon Boulevard. AAA asked Rivera if that was his parent's house, to which he replied "Yes."

Rivera shoved her inside, pushed her towards the bed, forced her to remove her clothes. He went on top of her, shoved her penis into her underwear and inserted the same into her vagina. She struggled to push Rivera but the latter held her hands tightly. She shouted for help, but nobody heard her.

Rivera stayed on top of AAA for about ten (10) minutes. Thereafter, they went to her cousin's house in Antipolo City. She reported the incident to the police authorities and Rivera was apprehended.

AAA went to Camp Crame for medico-legal examination, which later revealed that her hymen had sustained shallow fresh laceration at 9:00 o'clock position.

AAA did not complain to the nearest police station because she was ashamed and thought of bringing Rivera to her cousin's house.⁵

For the defense, Rivera and a certain Grace Dueño (*Dueño*), were presented as witnesses.

³ CA Decision, *rollo* p. 3.

⁴ Ilang Ilang Lodge. See CA records, p. 19.

⁵ *Rollo*, pp. 3-4.

Rivera claimed that AAA was his girlfriend, whom he promised to help look for another job; that on September 29, 2004, AAA went with him and looked for a lodging house in Quiapo; and that they checked in at the Ilang Ilang Lodge,⁶ with AAA contributing ₱25.00 for the ₱125.00 rental rate of their room for three (3) hours. He added that:

Once inside the room, AAA professed her love for him and is ready to face the consequences of their acts. They started kissing each other after a brief conversation. He started undressing AAA and the latter assisted him in removing her pants. AAA took a bath while Rivera went downstairs to buy “banana que” and buko juice. AAA got annoyed when he told her that they would eat as soon as they are downstairs. AAA got dressed and went out of the room ahead of him.

Together, they left the motel, rode a jeepney towards Cubao and disembarked thereat. They took another ride going to Cogeo where they arrived at the place where AAA’s relative resides. AAA discussed something with her relative in Visayan dialect and mentioned something about the police. When they entered the house, Rivera watched TV. AAA went out and when she returned, a policeman accosted him due to a complaint. He went with the policeman to the police precinct. He was forced to admit the charge.⁷

Rivera insisted that AAA voluntarily went with him to the Ilang Ilang lodging house in Quiapo.

The other defense witness, Dueño, the cashier at the lodging house, supported the version of Rivera. She observed that both were happy when they checked in at the lodge and added that it was even AAA who paid for the room.⁸

Thereafter, the RTC rendered its Judgment⁹ finding Rivera guilty beyond reasonable doubt of the crime of rape, the dispositive portion of which reads:

WHEREFORE, by reason of the foregoing premises, judgment of conviction beyond an iota of doubt for the felony of consummated rape defined in Article 266-A of the Revised Penal Code is hereby rendered against accused Christopher Rivera y Royo in Criminal Case No. 04-230720 for which he must suffer the penalty of *reclusion perpetua*. Apart from the principal penalty of incarceration, which is subject to Article 29 of the Revised Penal Code, the accused must indemnify the complainant with the sum

⁶ Records, p. 19.

⁷ *Rollo*, p. 5.

⁸ *Id.* at 6.

⁹ RTC Decision, CA Records, pp. 27-33.

of ₱50,000.00 as civil liability *ex delicto*, ₱50,000.00 moral damages, and ₱30,000.00 as exemplary damages.

IT IS SO ORDERED.¹⁰

In finding Rivera guilty, the RTC explained that “even then, it was precisely defendant’s machination that the room was where his parents stayed, or they only will spend time to simply rest therein, which constitutes the very essence of cajolery as prelude to what was in the offing.”¹¹ It further wrote that even assuming *ex gratia argumenti* that AAA and the accused were indeed lovers, as claimed by Rivera, “there is judicial aversion to the sweetheart theory and a love affair is not a license to expel lust.”¹² Specifically, the pertinent portions of its evaluation read:

At first blush, a flashback of the complainant’s story of defloration evoked some somber reflection if there was semblance of accuracy to her statements. Evidence on record from Miss X disclosed that she was a high school graduate 20 years old, and had been in Manila for about a year prior to the incident on September 29, 2004. These acknowledged details might have raised quizzical eyebrows to her public outcry of *deflorare* for she could not have been duped into believing that the area where she went with the accused was far from a place for romance or a quick sexual tryst. Even then, it was precisely defendant’s machination that the room was where his parents stayed, or they only will spend time to simply rest therein, which constitutes the very essence of cajolery as prelude to what was in the offing.

Given the recognized isolated state in rape as a crime, if walls could only speak as a mute witness to either a dastardly deed or the product of sheer love within Room 22, judicial quandary could have been diminished. The Court’s predicament becomes even more piercing when there is heavy reliance on the sheer revelation of the complainant’s cry for vindication, when equated with defendant’s protestation of innocence. In resolving such impasse, jurisprudence dictates supremacy of affirmative evidence when compared with the adverse party’s disavowal, especially so when the complainant’s candid version herein was not properly impeached by the defense through acceptable evidence of a sinister plot supposedly concocted by the complainant and her relative. Indeed, it is hornbook precept that the lone testimony of the victim in the crime of rape, if credible, is enough to sustain a conviction for, by the very nature of offense, the only evidence that oftentimes can be relied upon is the victim’s own lips.

Shifting one’s attention now to the demeanor of Miss X prior to, during, and after the incident on September 29, 2004, evidence at hand revealed that she resisted the sexual advances of the accused. She also shouted but her voice fell on deaf ears and she had no

¹⁰ Id. at 32.

¹¹ Id.

¹² Id. at 31-32, citing *People v. Nogpo, Jr.*, G.R. No. 184791, April 16, 2009, 585 SCRA 725.

other option but to immediately report the matter to the police after she and the accused arrived in the place of Cogeo. Amendatory of the law on rape is Republic Act No. 8353, which reclassified it as a crime against persons, and it clearly spelled a presumption in Article 266-D of the Revised Penal Code that any physical overt act of opposition, irrespective of degree from the complainant, can be rightly appreciated as evidence in a prosecution for rape in Article 266-A.

Even assuming *ex gratia argumenti* that Miss X and the accused were lovers as put forward by the accused, there is judicial aversion to the sweetheart theory and a love affair is not a license to expel lust. Surely, defendant's response in the vernacular, as quoted in the text of this discourse, to the effect that he did not expect that the complainant would seek assistance of the police amidst defendant's trust reposed on her, was also a formidable piece of vital information, nay, a negative pregnant, that the accused had accomplished a misdeed. Notwithstanding some disparities in Miss X's declarations as to the exact floor where the task was accomplished and how the defendant inserted his penis beneath the underwear of Miss X, such divergence in perceptions cannot create significant doubt for the accused as these matters referred to minor details of the sexual breach. Besides, the witness for the defendant can hardly corroborate defendant's revelation, since the witness who testified for the accused referred to an incident on September 22, 2004, unlike the crucial date mentioned by both Miss X and the accused. [Emphases supplied]

Ruling of the Court of Appeals

On appeal, the CA affirmed the RTC judgment of conviction. It stated that Rivera, other than his bare assertions, failed to adduce convincing proof showing the existence of a romantic relationship. It likewise agreed with the RTC in stating that even assuming they were lovers, the relationship did not give him the license to sexually assault AAA.¹³ The CA further pointed out that the gravamen of the offense of rape was sexual congress with a woman by force and without consent.¹⁴

As to AAA's behavior after the sexual assault, the CA was of the view that her failure to escape despite an opportunity to do so and to immediately seek help thereafter should not be interpreted as consent; that these circumstances, by themselves, did not necessarily negate rape or taint her credibility; and that there was no code of conduct prescribing the correct reaction of a rape victim to the sexual assault.¹⁵

¹³ *Rollo*, pp. 7-8.

¹⁴ *Id.* at 8.

¹⁵ *Id.* at 9.

Thus, in affirming the RTC, the CA ruled that Rivera, having the burden of proof, failed to clearly and convincingly prove that AAA consented to the sexual act.

Hence, this appeal.

Ruling of the Court

Inasmuch as the crime of rape is essentially committed in relative isolation or even secrecy, it is usually the victim alone who can testify with regard to the fact of the forced sexual intercourse.¹⁶ Therefore, in a prosecution for rape, the credibility of the victim is almost always the single and most important point to consider. Thus, if the victim's testimony meets the test of credibility, the accused can justifiably be convicted on the basis of this testimony; otherwise, the accused should be acquitted of the crime.¹⁷

After a thorough review of the evidentiary record, the Court affirms the conviction.

Paragraph (1), Article 266-A of the Revised Penal Code (*RPC*), in relation to paragraph (2), Article 266-B thereof, as amended by Republic Act (*R.A.*) No. 8353, provides that:

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 otherwise unconscious;
 - c. By means of fraudulent machination or grave abuse of authority; and
 - 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.

X X X

¹⁶ *People v. Olasco*, G.R. No. 174861, April 11, 2011, 647 SCRA 461, 470.

¹⁷ *People v. Cias*, G.R. No. 194379, June 1, 2011, 650 SCRA 326, 337, citing *People v. Lazaro*, G.R. No. 186379, August 19, 2009, 596 SCRA 587, 596.

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

x x x

By invoking the “sweetheart defense,” Rivera essentially admitted having carnal knowledge with AAA. The next query is whether or not she consented to the sexual act for the gravamen of the offense of rape, as the CA correctly stated, is sexual congress with a woman by force and without consent.¹⁸

In determining whether or not the act was consensual and that no force of any kind and degree was employed, circumstances as to the age, size and strength of both parties must also be looked into because force in rape is relative.¹⁹ Here, records reveal that as per the Medico-Legal Report²⁰ of the Crime Laboratory in Camp Crame, Quezon City, AAA was 18 years old at the time of the alleged rape. She stood four (4) feet and nine (9) inches (4’9”) and weighed 93.3 lbs. On the other hand, as per the Booking Sheet and Arrest Report²¹ of the Western Police District, Central Market Sta. Cruz Police Station, Rivera was 24 years old, stood five (5) feet and six (6) inches and weighed 143.3 lbs.

AAA consistently claimed that the bigger Rivera pushed her to the bed, forcefully undressed her and succeeded in ravishing her. In her affidavit,²² dated September 30, 2004, she stated:

T – Maaari mo bang ikuwento sa akin ang nangyari?

S – x x x Dinala niya ako sa may ilang ilang at pumasok kami doon at nakita ko siya na may pinirmahan. Pumasok po siya sa kwarto at tinawag niya ako pero tinanong ko siya ng “ITO BA ANG BOARDING HOUSE MO”? Sumagot siya ng “oo”. Pumasok po ako sa loob at doon niya ako pinagsamantalahan. Sumigaw ako ng sumigaw pero sinabihan niya ako na kahit magsisigaw ako ay walang makakarinig sa akin. Tinulak niya ako sa kama at pinilit niyang hubarin ang aking damit pero nanlalaban ako pero malakas siya kaya nagawa niyang akong pagsamantalahan. x x x

¹⁸ *Sison v. People*, G.R. No. 187229, February 22, 2012, 666 SCRA 645, 659, citing *People v. Baluya*, 430 Phil. 349 (2005), citing *People v. Dela Cruz*, 393 Phil. 231 (2000).

¹⁹ *Id.*, citing *People v. Yparraquiere*, 390 Phil. 366 (2000).

²⁰ Records, pp. 11-12.

²¹ *Id.* at 13.

²² *Id.* at 8.

On December 21, 2005, during her direct examination, AAA testified on the details as follows:²³

Q: Reaching Quiapo, Manila, with the accused, what happened next?

A: “Biglang pinasok nya po ako sa may motel, pero hindi ko po alam na motel yun kasi first time kong pumasok dun.”
He suddenly brought me inside a motel but I did not know that it was a motel since that was my first time to enter a motel, sir.

Q: You said that reaching Quiapo with the accused, the accused suddenly pushed you inside a motel, what happened there inside the motel?

A: “Pinilit nya pong hinubad po yung damit ko.”
He forced me to remove my clothes, sir.

Q: Now, prior to that undressing [of] you by the accused, you said you were pushed inside a motel by the accused, what happened before that undressing?

A: “Tinanong ko po na ito ba yung bahay ng parents mo na sinasabi mo.”
I asked him if that was the house of his parents, sir.

Q: And when you asked him that, what was his reply?

A: He answered yes, sir.

Q: And when he answered yes, what happened next?

A: “Yun po, bigla na lang po ako tinulak nya.”
He suddenly pushed me, sir.

Q: Pushed you to what?

A: To the bed, sir. [Emphases supplied]

On the other hand, Rivera, when he was at the witness stand, desperately tried to show that theirs was a consensual act by claiming that AAA was his girlfriend and that she voluntarily went with him to the lodging house.

The RTC, which had the vantage point in observing the witness' demeanor at the witness stand, considered AAA's testimony as credible and sufficient to sustain Rivera's conviction for the crime of rape, and did not believe his defense of denial. It was of the strong view that AAA did not consent to the sexual act as she, in fact, resisted his aggression. As earlier cited, the RTC observed that:

²³ Id., TSN, December 21, 2005, pp. 75-76.

Shifting one's attention now to the demeanor of Miss X prior to, during, and after the incident on September 29, 2004, evidence at hand revealed that she resisted the sexual advances of the accused.²⁴

This appreciation of the trial court judge carries a lot of weight. The rule in this regard, applicable to this case, is: "The assessment 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 note their demeanor, conduct and attitude under grilling examination. These are the utmost significant factors in evaluating the sincerity of witnesses and in unearthing the truth, especially in the face of conflicting testimonies. Through its observations during the entire proceedings, the trial court can be expected to determine, with reasonable discretion, whose testimony to accept and which witness to disbelieve. Verily, findings of the trial court on such matters will not be disturbed on appeal unless some facts or circumstances of weight have been overlooked, misapprehended or misinterpreted so as to materially affect the disposition of the case."²⁵ In the case of *People v. Belga*,²⁶ the Supreme Court reiterated and expounded on the rule.

Time and again, we have held that when the decision hinges on the credibility of witnesses and their respective testimonies, the trial court's observations and conclusions deserve great respect and are often accorded finality, unless there appears in the record some fact or circumstance of weight which the lower court may have overlooked, misunderstood or misappreciated and which, if properly considered, would alter the result of the case. The trial judge enjoys the advantage of observing the witness' deportment and manner of testifying, her "*furtive glance, blush of conscious shame, hesitation, flippant or sneering tone, calmness, sigh, or the scant or full realization of an oath*" -- all of which are useful aids for an accurate determination of a witness' honesty and sincerity. The trial judge, therefore, can better determine if such witnesses were telling the truth, being in the ideal position to weigh conflicting testimonies. Unless certain facts of substance and value were overlooked which, if considered, might affect the result of the case, its assessment must be respected for it had the opportunity to observe the conduct and demeanor of the witnesses while testifying and detect if they are lying.²⁷ [Italicization supplied]

In this case, the CA also concluded that AAA's unwavering answers during cross-examination removed all doubt as to her credibility and manifested the truthfulness of her testimony.²⁸ Citing *People v. Canuto*,²⁹ the CA stated that when a rape victim's testimony was straightforward and

²⁴ RTC Decision, CA records, p. 31.

²⁵ *People v. Onabia*, 365 Phil. 464, 481 (1999).

²⁶ 402 Phil. 734 (2001).

²⁷ *People v. Belga*, 402 Phil. 734, 742-743 (2001).

²⁸ *Rollo*, p. 7.

²⁹ 529 Phil. 855, 872 (2006).

candid, unshaken by rigid cross-examination and unflawed by inconsistencies or contradictions in its vital points, the same must be given full faith and credit.³⁰ When the findings of the trial court are affirmed by the appellate court, the Court will not disturb the same, save for exceptional circumstances which are not present in this case.

The Court, in its own assessment of the case, casts no doubt on AAA's credibility and to the truthfulness of her testimony, as opposed to Rivera's weak reliance on the "sweetheart theory." Not even an iota of ill motive to file such a malicious case for rape on the part of AAA was shown by Rivera to at least discredit her claim that the act was not consensual. As held in *People v. Cabanilla*,³¹ the sweetheart defense is an affirmative defense that must be supported by convincing proof. As correctly ruled by the CA, such defense is "effectively an admission of carnal knowledge of the victim and consequently places on accused-appellant the burden of proving the alleged relationship by substantial evidence."³² Independent proof is required.

Rivera, however, failed to discharge such burden. It is inconceivable that, in *barely one day* of having known each other, Rivera and AAA were already in a relationship. Rivera wanted to impress upon the Court that, after having met AAA on September 28, 2004 for the first time at around 1:00 o'clock in the afternoon and conversing with her about her problem with a co-worker, he "courted"³³ her and she "accepted"³⁴ him as her boyfriend. In less than 24 hours or at around 10:00 o'clock in the morning of the following day, September 29, 2004, she agreed to go with him to Ilang-Ilang Lodge to have consensual sex. The Court, though, is not very impressed. A careful perusal of the records, including Rivera's own testimony, shows that AAA agreed to go with him because of his promise that he would help her look for another job.

It cannot be argued that because AAA voluntarily went with Rivera to the Ilang-Ilang Lodge, she consented to have sex with him. To presume otherwise would be *non sequitur*. It must be noted that AAA, who was not in good terms with a co-worker, wanted a change in employer. She easily believed Rivera who convinced her that he could help her look for a new job. Thus, she trusted Rivera and went along with him because of his assurance that he could help her find a new employment.

Considering that she trusted him, it is not far-fetched that she fell for his every word, including the claim that his parents also stayed in said lodging house. With his assurance, she felt comfortable going with him to

³⁰ *Rollo*, p. 7.

³¹ G.R. No. 185839, November 17, 2010, 635 SCRA 300, 316.

³² *Rollo*, p. 8.

³³ Records, TSN, December 5, 2007, pp. 263-264.

³⁴ *Id.*

the place. It was only when they were inside the room that she realized his true intentions. From that time on, she became uneasy.

The trial court heard her story and became convinced that it was part of his machination to take advantage of AAA's naiveté and satisfy his lust. Rivera contended that there was lack of physical evidence to prove that AAA ever resisted his advances.³⁵ In this regard, the RPC, as amended by R.A. No. 8353 (Anti-Rape Law of 1997), particularly Article 266-D, provides for a presumption that any physical overt act manifesting resistance against the act of rape in any degree from the offended party, or where the offended party is so situated as to render her incapable of giving valid consent, may be accepted as evidence in the prosecution of the acts punished under Article 266-A. This rule properly applies in this case as AAA's credibility in testifying that she was ruthlessly ravished by Rivera has been clearly established. She testified as follows:³⁶

Q: You said you were pushed by the accused to the bed, what happened when the accused pushed you to the bed?

A: "Ginahasa nya po ako, sir."
He raped me, sir.

Q: Would you please tell us in particular how the accused raped you?

A: "Hawak nya po yung aking dalawang kamay."
He held my two hands, sir.

Q: What happened next?

A: He inserted his penis to me, sir.

Q: To where?

A: To my vagina, sir.

Q: What happened when the accused inserted his penis to your vagina, what did you do?

A: "Tinutulak ko po sya pero hindi ko po kaya kasi malakas siya."
I pushed him hard but he was strong, sir.

Q: What happened when you were pushing him?

A: Wala po.

Fiscal Orda, Jr.:

Ano yun?

Interpreter:

Ano daw nangyari nung tinutulak mo siya?

A: Mas hinigpitan po yung hawak nya sa akin, sir.
"He held me tightly, sir."

³⁵ CA rollo, p. 79.

³⁶ Records, pp. 76-77.

- Q: When he held you tightly, when you said you were pushing him and then he held you tightly, what happened next?
- A: **“Sumisigaw po ako pero wala pong makarinig sa akin, sir.**
I was screaming but nobody heard me, sir.

Resistance from Rivera’s sexual advances, although not an element of rape, was sufficiently narrated by AAA. Profusely, in *People v. Baldo*,³⁷ the Court ruled that:

AAA’s failure to shout or to tenaciously resist appellant should not be taken against her since such negative assertion would not *ipso facto* make voluntary her submission to appellant’s criminal act. In rape, the force and intimidation must be viewed in the light of the victim’s perception and judgment at the time of the commission of the crime. As already settled in our jurisprudence, not all victims react the same way. Some people may cry out, some may faint, some may be shocked into insensibility, while others may appear to yield to the intrusion. Some may offer strong resistance while others may be too intimidated to offer any resistance at all. Moreover, **resistance is not an element of rape**. A rape victim has no burden to prove that she did all within her power to resist the force or intimidation employed upon her. As long as the force or intimidation is present, whether it was more or less irresistible is beside the point.

In his last ditch effort to secure his exoneration, Rivera pointed out that the records were bereft of evidence to prove that AAA suffered vaginal lacerations.³⁸ The lack of lacerated wounds in the vagina, however, does not negate sexual intercourse.³⁹ Laceration of the hymen, even if considered the most telling and irrefutable physical evidence of sexual assault, is not always essential to establish the consummation of the crime of rape. In the context used in the RPC, “carnal knowledge,” unlike its ordinary connotation of sexual intercourse, does not necessarily require that the vagina be penetrated or that the hymen be ruptured.⁴⁰ Accordingly, granting *arguendo* that AAA did not suffer any laceration, Rivera would still be guilty of rape after it was clearly established that he did succeed in having carnal knowledge of her. At any rate, it has been repeatedly held that the medical examination of the victim is not indispensable in a prosecution for rape. Expert testimony is merely corroborative in character and not essential to a conviction.⁴¹

³⁷ G.R. No. 175238, February 24, 2009, 580 SCRA 225, 233, citing *People v. Calongui*, 519 Phil. 71 (2006); *People v. Dadulla*, 547 Phil. 708, 718 (2007); *People v. Balonzo*, G.R. No. 176153, September 21, 2007, 533 SCRA 760, 771; *People v. Soriano*, G.R. No. 172373, September 25, 2007, 534 SCRA 140, 145; *People v. Ilao*, 463 Phil. 797, 808 (2003); *People v. Fernandez*, 550 Phil. 358, 370 (2007); *People v. Durano*, 548 Phil. 383, 397 (2007); *People v. San Antonio, Jr.*, G.R. No. 176633, September 5, 2007, 532 SCRA 411, 428.

³⁸ *CA rollo*, p.77.

³⁹ *People v. Banig*, G.R. No. 177137, August 23, 2012, 679 SCRA 133, 148, citing *People v. Ortoa*, G.R. No. 174484, February 23, 2009, 580 SCRA 80, 95-96.

⁴⁰ *People v. Colorado*, G.R. No. 200792, November 14, 2012, 685 SCRA 660, 673, citing *People v. Tagun*, 427 Phil. 389, 403-404 (2002).

⁴¹ *Id.*

The testimony of Dueño cannot be of help either. She merely related what transpired when they arrived at the lodge. She had no knowledge or inkling of what befell AAA in the hands of Rivera inside Room 22.

All told, the controversy is not simply about justifying AAA's presence in the lodging house with Rivera, but rather, it was about the consent that she did not give to satisfy his thirst for lust.

Indeed, the situation in which AAA found herself may cast suspicion on her, but the fact remains that Rivera forced himself upon her and she resisted to no avail.

There appears to be a growing public awareness and an improving environment for reporting of cases of violence against women such as rape. Rape victims are showing greater resolve to bring their accusation to court. It is rather an unfortunate reality though, that in prosecution of rape cases, the proceedings against the man perpetrator almost always turn into a trial of the woman victim as well. The Court intends to disabuse the victims on the belief that, in a court of justice, she will be judged for what she did or did not do, rather than her ravisher be condemned for his criminal actions.

There being no showing of any reversible error in the CA's affirmance of the RTC judgment of conviction, the Court sees no compelling reason to reverse it.

The damages imposed by the trial court upon accused Rivera, to wit: ₱50,000.00 as civil liability *ex delicto*; ₱50,000.00 moral damages; and ₱30,000.00 as exemplary damages, are correct being in accordance with the latest jurisprudence on the matter.

WHEREFORE, the appeal is **DENIED**. Accordingly, the June 23, 2011 Decision of the Court of Appeals, in CA-G.R. CR-H.C. No. 04104, affirming the judgment of conviction by the Regional Trial Court, Branch 17, Manila, in Criminal Case No. 04-230720, is hereby **AFFIRMED**.

SO ORDERED.

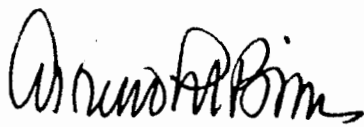

JOSE CATRAL MENDOZA
Associate Justice

WE CONCUR:



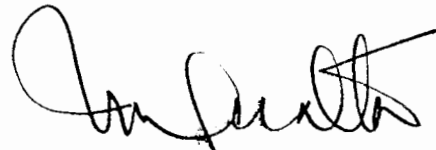
PRESBITERO J. VELASCO, JR.

Associate Justice
Chairperson



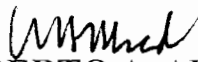
ARTURO D. BRION

Associate Justice



DIOSDADO M. PERALTA

Associate Justice



ROBERTO A. ABAD

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.

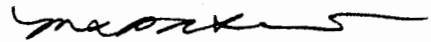


PRESBITERO J. VELASCO, JR.

Associate Justice
Chairperson, Third 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