



Republic of the Philippines  
**Supreme Court**  
Manila

**FIRST DIVISION**

**PEOPLE  
OF THE  
PHILIPPINES,**

**Plaintiff-Appellee,**

**G.R. No. 206768**

Present:

- versus -

SERENO, CJ.,  
Chairperson,  
LEONARDO DE-CASTRO,  
BERSAMIN,  
PEREZ, and  
PERLAS-BERNABE, JJ.

**LEONARDO CASTRODES,  
Accused-Appellant.**

Promulgated:

**DEC 03 2014**

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**RESOLUTION**

**PEREZ, J.:**

There is no rule that rape is committed only in seclusion.<sup>1</sup> A man's carnality is not hindered by time or place—his prurient desire impels him to commit rape even in the most public of places.

This is an appeal of the Decision<sup>2</sup> of the Honorable Court of Appeals (CA) dated 31 May 2012 in CA-G.R. CEB-CR HC No. 00875, which

<sup>1</sup> *People v. Montinola*, 567 Phil. 387, 402 (2008), citing *People v. Abellera*, 553 Phil. 307, 320 (2007).

<sup>2</sup> Penned by Associate Justice Pamela Ann Abella Maxino with Associate Justices Gabriel T. Ingles and Victoria Isabel A. Paredes, concurring; CA rollo, pp. 82-95.

affirmed the Decision<sup>3</sup> of the Regional Trial Court (RTC) dated 26 July 2007, convicting accused-appellant Leonardo Castrodes alias “Adok” (Castrodes) for the crime of Rape (Crim. Case No. 00-731) in “*People of the Philippines v. Leonardo Castrodes*”.

### The Information

That on or about the 17<sup>th</sup> day of April, (sic) 2000, in the municipality of San Miguel, province of Bohol, Philippines, and within the jurisdiction of this Honorable Court as a Family Court, the above-named accused with lewd designs and by means of force and intimidation, did then and there willfully, unlawfully and feloniously inserted his penis into the vagina of the victim, AAA,<sup>4</sup> a 15 year old (sic) minor against her will and without her consent; to the damage and prejudice of the offended party.

Acts committed contrary to the provision of Art. 335 of the Revised Penal Code as amended by Republic Act No. 7659.<sup>5</sup>

We hereby adopt, by way of reference, the findings of facts of the appellate court, as integral part of this Resolution. The facts as presented by the CA are:

### The Facts According to the Prosecution

At around ten o’clock in the morning of April 17, 2000, fifteen year (sic) old AAA was busy gathering firewood on (sic) the coconut plantation located just downhill from the house she shared with her aunt BBB and uncle CCC.

Preoccupied with the chore at hand, she was surprised when her neighbor, accused-appellant Leonardo Castrodes suddenly appeared behind her and wrested from her the bolo she was then using to gather firewood.

With the bolo in his hand, accused-appellant embraced and carried AAA to a spot underneath a coconut tree. Shocked, AAA could not do anything due to fear of being hacked by accused-appellant with the bolo.

Accused-Appellant then started kissing AAA and caressing her breasts. Accused-Appellant then forced AAA to lie on the ground and then

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<sup>3</sup> Penned by Presiding Judge Irma Zita V. Masamayor; records, pp. 158-168.

<sup>4</sup> Pursuant to Republic Act No. 7610 or the Special Protection of Children Against Abuse, Exploitation and Discrimination Act and its Implementing Rules, Republic Act No. 9262 or the Anti-Violence Against Women and their Children Act of 2004 and its Implementing Rules, and Supreme Court Resolution dated 19 October 2004 in A.M. No. 04-10-11-SC or the Rule on Violence Against Women and their Children.

<sup>5</sup> Records, p. 29.

removed her shorts and panty. He also removed his own shorts and brief. With both of them naked waist down, accused-appellant Leonardo Castroles then laid on top of AAA and attempted to insert his penis into her vagina.

Feeling accused-appellant's efforts penetrating her, AAA tried to evade from his advances by squirming underneath his hold. Yet, all her efforts were for naught, as she was not strong enough to free herself from him.

When he finally was able to penetrate her, AAA felt pain and cried. After ravaging AAA, accused-appellant then stood up and put on his clothing. As he was towering over AAA, accused-appellant then threatened her that should she reveal to anyone what had happened, he will kill her and anyone she confided to.

In her daze, AAA continued crying and slowly put on her clothes. She picked up the firewood she had previously gathered and returned home.

AAA kept her silence about the ordeal she encountered with accused-appellant until the evening of April 26, 2000 when her uncle, [CCC], noticed her crying inside their house. Concerned as to what had happened to her, [CCC] asked AAA, why she was crying. AAA then told [CCC] what had transpired in the morning of April 17, 2000.

The next day, BBB with AAA's father reported the matter to the barangay officials in their village and had her examined by the Municipal Health Officer.

#### Version of the Defense

Accused-appellant Leonardo Castroles for his part, however, interposes a different version of the story. To corroborate his defense, his first cousin, Jovenciano Castroles took the witness stand to affirm his innocence.

According to the defense, accused-appellant Leonardo Castroles on the fateful day of April 17, 2000, was nowhere near the area where the alleged rape happened. As on that same day, at around 6:30 in the morning, accused-appellant, together with Jovenciano Castroles, left the former's house and walked towards the latter's farm.

After twenty minutes of walking, they finally arrived at the farm. They then started working around seven o'clock in the morning and only took a break from working to take their lunch and again resumed around 1:00 in the afternoon.

They finished working around five o'clock in the afternoon. After the hard day's toil in the farm, the pair returned to accused-appellant's house together.

Jovenciano Castrodes affirmed that he was physically beside his cousin the whole day and there was no moment that he could not see Leonardo.<sup>6</sup>

Upon arraignment, Castrodes pleaded not guilty to the crime charged. During the presentation of evidence, the prosecution presented three (3) witnesses: (1) AAA; (2) Dr. Hamilcar Saniel; and (3) AAA's uncle, CCC. On the other hand, the defense presented Castrodes and Jovencio Castrodes, Castrodes' cousin, as witnesses.

After trial, the RTC found Castrodes guilty beyond doubt of the crime of rape. The dispositive portion of the decision reads:

WHEREFORE, finding the accused, LEONARDO CASTRODES guilty beyond reasonable doubt of the crime of rape penalized under paragraph 1, Article 266-B of Republic Act 8353 amending Article 335 of the Revised Penal Code, the Court metes upon him the penalty of *reclusion perpetua* with all the accessory penalties of the law, with costs. The accused is further ordered to pay the offended party, AAA, the amount of ₱50,000.00 as civil indemnity and another ₱50,000.00 as moral damages.

SO ORDERED.<sup>7</sup>

On appeal, the CA affirmed with modification Castrodes' conviction. The CA rejected Castrodes' attempt to cast doubt on AAA's credibility. According to the CA, "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 a public trial, if she was not motivated solely by the desire to obtain justice for the wrong committed against her."<sup>8</sup>

On AAA's delay in reporting her ordeal, the CA ruled that delay in reporting the rape incident does not weaken the case for the prosecution. The CA opined that is not uncommon for a young girl to conceal assaults on her virtue.<sup>9</sup>

With regard to Castrodes' defense of alibi, the defense failed to prove that it was physically impossible for him to be at the crime scene at the time

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<sup>6</sup> CA *rollo*, pp. 84-86.

<sup>7</sup> Records, p. 168.

<sup>8</sup> CA *rollo*, p. 92.

<sup>9</sup> Id. at 93.

of the incident because the crime scene and the farm where Castrodes was allegedly working was only a twenty-minute walk from the scene of the crime.<sup>10</sup>

The dispositive portion of the CA Decision reads:

IN LIGHT OF ALL THE FOREGOING, the Court hereby AFFIRMS with MODIFICATION the assailed Decision dated July 26, 2007 of the Regional Trial Court, Branch 52, Talibon, Bohol in Criminal Case No. 00-731. The accused-appellant Leonardo Castrodes is found GUILTY of the crime of Rape and is hereby sentenced to suffer the penalty of *reclusion perpetua*. He is likewise ordered to indemnify AAA Php 50,000.00 as civil indemnity, Php 50,000.00 as moral damages, and Php 30,000.00 as exemplary damages, plus legal interest on all damages awarded at the rate of six percent (6%) from the date of the finality of this decision.

SO ORDERED.<sup>11</sup>

The defense pointed to several circumstances and inconsistencies in the prosecution's evidence, namely: (1) it was highly incredible for AAA to bring a bolo when she was just merely gathering firewood; (2) it was highly improbable that AAA was raped in broad daylight and in a very highly visible area surrounded by eight (8) houses; (3) AAA's delay in reporting the incident, which showed the incredulity of AAA's allegation; and (4) there were no vaginal lacerations found in AAA based on the Municipal Health Officer's report.

### **Our Ruling**

We repeat that there is no rule that rape is committed only in seclusion.<sup>12</sup> Castrodes' contention that it was highly improbable that he raped AAA in broad daylight and in a very visible area surrounded by eight (8) houses deserves scant consideration. A man's carnality is not hindered by time or place—his prurient desire impels him to commit rape even in the most public of places.<sup>13</sup>

Delay in reporting an incident of rape does not discredit the credibility of a victim. Human experience dictates that a rape victim, especially a young

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<sup>10</sup> Id. at 93-94.

<sup>11</sup> CA rollo, pp. 94-95.

<sup>12</sup> *People v. Montinola*, supra note 1.

<sup>13</sup> *People v. Lindo*, G.R. No. 189818, 9 August 2010, 627 SCRA 519, 527.

girl, who experienced sexual assault, is expected to conceal assaults on her virtue;<sup>14</sup> this principle validates the social stigma a rape victim may suffer after she discloses her ordeal, especially in a conservative society such as ours. In effect, “the victim may choose to keep quiet rather than expose her defilement to the harsh glare of public scrutiny.”<sup>15</sup> Therefore, AAA’s failure to immediately report the rape incident does not undermine her credibility as a witness.

The defense alleged that it was highly improbable that there was a crime of rape because AAA suffered no vaginal lacerations based on the medical examination.<sup>16</sup> We rule in the negative. Time and again, we have held that in prosecuting crimes of rape, the medical examination is dispensable.<sup>17</sup> In fact, there could be a finding of rape even if the medical examination showed no vaginal laceration.<sup>18</sup>

Castrodes’ alibi that he was working in a farm when AAA was raped is not exculpatory because he failed to prove the physical impossibility of his presence at the scene of the crime at the time of the incident. As borne by the records, Castrodes was just twenty (20) minutes away from the crime scene. To merit credence, Castrodes must adduce clear and convincing evidence that he was in a place other than the *situs criminis* at the time when the crime was committed, such that it was physically impossible for him to have been at the scene of the crime when it was committed.<sup>19</sup> Clearly, Castrodes failed to prove the fact vital to the credibility of the alibi.

**WHEREFORE**, the Decision of the Honorable Court of Appeals dated 31 May 2012 in CA-G.R. CEB-CR HC No. 00875 finding accused-appellant **LEONARDO CASTRODES** guilty beyond reasonable doubt of rape is **AFFIRMED** *in toto*.

**SO ORDERED.**

  
**JOSE PORTUGAL PEREZ**  
Associate Justice

<sup>14</sup> *People v. Mauro*, 447 Phil. 207, 223 (2003).

<sup>15</sup> *People v. Ariola*, 418 Phil. 808, 821 (2001).

<sup>16</sup> Exhibit “C-4”; records, p. 15,

<sup>17</sup> *People v. De los Reyes*, 383 Phil. 801, 814 (2000).

<sup>18</sup> *Id.*, citing *People v. Sapurco*, 315 Phil. 561, 572 (1995).

<sup>19</sup> *People v. Veloso*, G.R. No. 188849, 13 February 2013, 690 SCRA 586, 597.

**WE CONCUR:**




**MARIA LOURDES P. A. SERENO**

Chief Justice

Chairperson

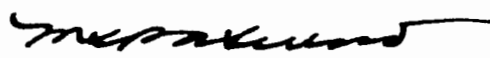
  
**TERESITA J. LEONARDO DE-CASTRO**  
Associate Justice

  
**LUCAS P. BERSAMIN**  
Associate Justice

  
**ESTELA M. PERLAS-BERNABE**  
Associate Justice

**CERTIFICATION**

Pursuant to Section 13, Article VIII of the Constitution, it is hereby certified that the conclusions in the above Resolution 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