



**Republic of the Philippines
Supreme Court
Manila**

FIRST DIVISION

**PEOPLE OF THE
PHILIPPINES,**
Plaintiff-Appellee,

G.R. No. 192912

Present:

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

- *versus* -

Promulgated:

DEMOCRITO PARAS,
Accused-Appellant.

JUN 04 2014

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DECISION

LEONARDO-DE CASTRO, J.:

The Court resolves the appeal of the accused-appellant Democrito Paras from the Decision¹ dated February 2, 2010 of the Court of Appeals in CA-G.R. CEB CR.-H.C. No. 00465. The appellate court affirmed the Decision² dated October 18, 2005 of the Regional Trial Court (RTC) of Toledo City, Branch 29, in Criminal Case No. TCS-2729, which found the accused-appellant guilty of the crime of rape.

The prosecution charged the accused-appellant of committing rape against AAA,³ a 17-year old girl, allegedly committed as follows:

That at noon in March 1996 or for sometime subsequent thereto, in [XXX] and within the jurisdiction of this Honorable Court, the above-named accused, with the use of a gun of unknown caliber, by force and intimidation, did then and there willfully, unlawfully and feloniously have carnal knowledge with [AAA] against the latter's will and as a result of

¹ Rollo, pp. 2-13; penned by Associate Justice Samuel H. Gaerlan with Associate Justices Agnes Reyes Carpio and Socorro B. Inting, concurring.

² Records, pp. 542-553; penned by Executive Judge Cesar O. Estrera.

³ The real names of the private complainant and those of her immediate family members are withheld per Republic Act No. 7610 (Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act); Republic Act No. 9262 (Anti-Violence Against Women and Their Children Act of 2004); and A.M. No. 04-10-11-SC effective November 15, 2004 (Rule on Violence Against Women and Their Children). See *People v. Cabalquinto*, 533 Phil. 703 (2006).

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which the latter became pregnant, to the damage and prejudice of the offended party.⁴

The accused-appellant pleaded not guilty to the charge.⁵ In the trial that ensued, the prosecution presented the testimonies of AAA,⁶ Department of Social Welfare and Development (DSWD) Field Officer Ma. Pamela Jusay,⁷ and Dr. Marcelo Pilapil,⁸ the physician who physically examined AAA. The defense thereafter presented the testimonies of the accused-appellant⁹ and his mother, Luisa Paras.¹⁰

In their brief before the Court of Appeals, the prosecution summarized their version of the facts in this wise:

Around noon of March 19, 1996, or subsequent thereto, while the victim [AAA], a house-helper of spouses Sergio and Heny Agua, was weeding grass using a *bolo* at her employer's farm in [XXX], appellant Democrito Paras approached her from behind (TSN, July 15, 1999, pp. 6-7). He pulled [AAA] towards the lower portion of the farm and pointed a short firearm at her mouth. While pointing the gun at [AAA], appellant pulled down her long pants and panties. Appellant also pulled down his pants and underwear. He laid [AAA] on the grassy ground and mounted her. He spread [AAA's] legs with his two hands after putting down his firearm. He then inserted his penis into [AAA's] vagina. [AAA] felt pain (Ibid., p. 8). [AAA] struggled and tried to kick appellant but all proved futile as appellant was physically stronger (TSN, Nov. 19, 1999, p. 10)[.]

Since [AAA] was afraid of appellant and that she was also afraid to kill a person, she did not strike appellant with the *bolo* she was holding (TSN, Jan. 11, 2000, p. 3). Appellant told [AAA] not to shout. He made a push and pull movement. [AAA] felt appellant's organ inside her while she continued to struggle. While struggling, [AAA] even threw stones at appellant (Ibid. p. 4).

After appellant consummated his bestial lust, he dressed up and fled, while [AAA] went back to the house of her employers (Ibid.).

Subsequently, [AAA] got pregnant due to the incident. She gave birth to a child who was more than a year old when [AAA] testified on January 11, 2000. (TSN, Jan. 11, 2000, p. 5)[.]¹¹

⁴ Records, pp. 1-2.

⁵ Id. at 44.

⁶ TSN, September 24, 1998; TSN, July 15, 1999; TSN, November 19, 1999; TSN, January 11, 2000.

⁷ The transcript of stenographic notes dated March 3, 2000, which contained the testimony of Ma. Pamela Jusay, is not found in the records of this case.

⁸ TSN, March 15, 2001.

⁹ TSN, April 4, 2003; TSN, June 27, 2003; TSN, August 28, 2003.

¹⁰ TSN, January 25, 2002; TSN, October 17, 2002; TSN, November 28, 2002.

¹¹ CA *rollo*, pp. 79-80.

The defense, on the other hand, laid out the following narrative of denial and alibi:

Accused-appellant, Democrito Paras, knows the private complainant because she was the helper at the house of his elder sister. He vehemently denie[d] having raped AAA. On March 19, 1996, he was at the Lusaran market to buy dried fish and other household items to be consumed for the whole week because he lived in a mountain barangay. He could not estimate the distance between Lusaran Market and his house but it would take two (2) hours of travel time by walking only. It was about 8:00 o'clock in the morning when he went to Lusaran Market on March 19, 1996 and arrived home at about 4:00 o'clock in the afternoon already. AAA accused him of rape because of the misunderstanding he had with the husband of his elder sister regarding the mango trees owned by his mother. AAA is an employee of his brother-in-law, Sergio Agua, whose house is about seventy (70) meters away from his house. Aside from their houses, there are also other houses, about five (5) of them, located in their locality. The mango trees were already allocated by his mother to each and every child. One of his brothers transferred residence to Compostela abandoning the mango trees allocated to him. Accused-appellant took over the said mango trees and sprayed them with chemicals. However, Sergio Agua also sprayed them and accused-appellant chided him. This made his brother-in-law angry who pulled out his bolo. Thereafter, he told accused-appellant to "beware". After that incident, accused-appellant and Sergio no longer talked about the mango trees. Aside from this, accused-appellant and Sergio also had a disagreement regarding the five (5) hectares of land owned by the latter's mother. Sergio wanted it divided but accused-appellant objected since he has other siblings who are still single. Sergio got mad and again threatened accused-appellant to "beware" [.]¹²

The Decision of the RTC

In a Decision dated October 18, 2005, the RTC convicted the accused-appellant of the crime charged. The trial court gave credence to the testimony of AAA, finding the same frank, candid, and straightforward. In contrast, the trial court rejected the accused-appellant's defenses of denial and alibi since the same were not corroborated even by the testimony of his mother, Luisa Paras. The latter merely testified on an alleged feud between the accused-appellant and Sergio Agua, who happened to be the employer of AAA. The RTC sentenced the accused-appellant as follows:

WHEREFORE, all the foregoing considered, this Court finds the guilt of the accused **DEMOCRITO PARAS** to have been proved beyond peradventure of a reasonable doubt and he is hereby sentenced to suffer the penalty of **RECLUSION PERPETUA** and to indemnify the offended party [AAA] the sum of ₱50,000.00 by way of compensatory damages plus the amount of ₱100,000.00 as and for moral damages.¹³

¹² Rollo, pp. 4-5.

¹³ Records, p. 553.

The Decision of the Court of Appeals

On appeal, the Court of Appeals upheld the judgment of the RTC in a Decision dated February 2, 2010. The appellate court affirmed the trial court's appreciation of AAA's testimony, which was held to be steadfast and unyielding throughout the direct and cross-examinations. The testimony of Luisa Paras on the alleged misunderstanding between the accused-appellant and Sergio Agua was found to be insufficient to overturn the candid testimony of AAA and her positive identification of the accused-appellant as the malefactor. The Court of Appeals also brushed aside the accused-appellant's arguments of alleged inconsistencies and improbabilities in AAA's testimony, *i.e.*, that AAA could recall the details of the rape but not the birth date of her child and the name of her neighbor, that AAA did not seize the opportunities given her to save herself, and that the supposed date of the rape was not clearly established by the prosecution evidence. The appellate court ruled that said inconsistencies were on inconsequential matters that did not bear upon the essential elements of the crime of rape. The Court of Appeals decreed:

WHEREFORE, premises considered the Decision dated October 18, 2005 of the Regional Trial Court, Branch 29, Toledo City, in Criminal Case No. TCS-2729 is hereby **AFFIRMED** with **MODIFICATION**.

As modified, accused-appellant is found guilty beyond reasonable doubt of the crime of qualified rape as defined and penalized in Article 335 of the Revised Penal Code, as amended by Section 11 of Republic Act No. 7659, and is hereby sentenced to suffer the penalty of *reclusion perpetua*. Accused-appellant is ordered to pay the private complainant the amount of ₱50,000.00 only as moral damages plus exemplary damages in the amount of ₱25,000.00. The award of civil indemnity in the amount of ₱50,000.00 stands.¹⁴

The Ruling of the Court

The accused-appellant again appealed his case to this Court, arguing that the trial court erred in convicting him of the crime charged even if his guilt was not proven beyond reasonable doubt.¹⁵

The appeal lacks merit.

As the accused-appellant was charged to have committed the rape "in March 1996 or for sometime subsequent thereto," the applicable provision of

¹⁴ *Rollo*, pp. 12-13.

¹⁵ The prosecution and the accused-appellant respectively manifested that, in lieu of filing their supplemental briefs before this Court, they were each adopting and repleading the briefs they filed before the Court of Appeals. (*Rollo*, pp. 20-23 and 24-26.)

the law in this case is Article 335¹⁶ of the Revised Penal Code.¹⁷ The relevant portions of said statutory provision read:

Art. 335. *When and how rape is committed.* - Rape is committed by having carnal knowledge of a woman under any of the following circumstances:

1. By using force or intimidation;
2. When the woman is deprived of reason or otherwise unconscious; and
3. When the woman is under twelve years of age or is demented.

X X X X

Whenever the crime of rape is committed with the use of a deadly weapon or by two or more persons, the penalty shall be *reclusion perpetua* to death.

In this case, both the RTC and the Court of Appeals adjudged the accused-appellant guilty of rape by having carnal knowledge of AAA without her consent using force or intimidation. The courts *a quo* relied on the testimony of AAA and her positive identification of the accused-appellant as the perpetrator of the sexual abuse. After thoroughly reviewing the records of this case, the Court finds that AAA was indeed categorical and consistent in her testimony that the accused-appellant was the one who pointed a gun to her mouth and forcibly had sexual intercourse with her. We, thus, see no reason to disturb the lower courts' appreciation of the credibility of AAA's testimony. *People v. De Guzman*¹⁸ teaches that:

In the resolution of the factual issues, the court relies heavily on the trial court for its evaluation of the witnesses and their credibility. Having the opportunity to observe them on the stand, the trial judge is able to detect that sometimes thin line between fact and prevarication that will determine the guilt or innocence of the accused. That line may not be discernible from a mere reading of the impersonal record by the reviewing court. The record will not reveal those tell-tale signs that will affirm the truth or expose the contrivance, like the angry flush of an insistent assertion or the sudden pallor of a discovered lie or the tremulous mutter of a reluctant answer or the forthright tone of a ready reply. The record will not show if the eyes have darted in evasion or looked down in confession or gazed steadily with a serenity that has nothing to distort or conceal. The record will not show if tears were shed in anger, or in shame, or in remembered pain, or in feigned innocence. Only the judge trying the

¹⁶ The crime was committed before Article 335 of the Revised Penal Code, as amended, was repealed by Republic Act No. 8353 (the Anti- Rape Law of 1997), which took effect on October 22, 1997.

¹⁷ As amended by Republic Act No. 7659, entitled An Act to Impose the Death Penalty on Certain Heinous Crimes Amending for that Purpose the Revised Penal Code, as Amended, Other Special Laws, and for Other Purposes. The said law took effect on December 31, 1993.

¹⁸ *People v. De Guzman*, G.R. No. 76742, August 7, 1990, 188 SCRA 407, 410-411; *see also People v. Sarmiento*, 398 Phil. 243, 248 (2000).

case can see all these and on the basis of his observations arrive at an informed and reasoned verdict.

The Court likewise upholds the ruling of the Court of Appeals that the inconsistencies pointed out by the accused-appellant in the testimony of AAA, namely, her inability to remember the birth date of her child and the name of her neighbor, did not destroy her credibility as a witness. These details had nothing to do with the essential elements of rape, that is, carnal knowledge of a person through force or intimidation. As held in *People v. Maglente*¹⁹:

Inconsistencies and discrepancies in details which are irrelevant to the elements of the crime are not grounds for acquittal. As long as the inaccuracies concern only minor matters, the same do not affect the credibility of witnesses. Truth-telling witnesses are not always expected to give error-free testimonies considering the lapse of time and treachery of human memory. Inaccuracies may even suggest that the witnesses are telling the truth and have not been rehearsed. (Citations omitted.)

Before the Court of Appeals and this Court, the accused-appellant also capitalized on the findings of Dr. Pilapil that AAA was already three months pregnant when she was examined on October 7, 1996. If that were the case, the accused-appellant argued that AAA could have had sexual intercourse sometime in June or July 1996 and not in March 1996 when the rape was supposed to have been committed. We find that the Court of Appeals correctly rejected this contention. We had occasion to state in *People v. Adora*²⁰ that “authorities in forensic medicine agree that the determination of the exact date of fertilization is problematic. The exact date thereof is unknown; thus, the difficulty in determining the actual normal duration of pregnancy.” At any rate, we ruled in *People v. Bejic*²¹ that:

Pregnancy is not an essential element of the crime of rape. Whether the child which the rape victim bore was fathered by the accused, or by some unknown individual, is of no moment. What is important and decisive is that the accused had carnal knowledge of the victim against the latter's will or without her consent, and such fact was testified to by the victim in a truthful manner. (Citation omitted.)

Anent the alleged failure of AAA to defend herself despite having many opportunities to do so, we are not persuaded. We reiterated in *Sison v. People*²² that:

[P]eople react differently under emotional stress. There is no standard form of behavior when one is confronted by a shocking incident, especially if the assailant is physically near. The workings of the human

¹⁹ 578 Phil. 980, 997 (2008).

²⁰ 341 Phil. 441, 458 (1991).

²¹ 552 Phil. 555, 573 (2007).

²² G.R. No. 187229, February 22, 2012, 666 SCRA 645, 662.

mind when placed under emotional stress are unpredictable. In a given situation, some may shout, others may faint, and still others may be frozen into silence. Consequently, the failure of complainant to run away or shout for help at the very first opportunity cannot be construed consent to the sexual intercourse. (Citations omitted.)

Finally, the accused-appellant's defenses of denial and alibi also fail to convince the Court. Given that the accused-appellant failed to support the same with strong evidence of his lack of guilt, said defenses cannot prevail over the positive identification of AAA.

All told, the accused-appellant failed to show that the RTC and the Court of Appeals committed any reversible error in finding him guilty beyond reasonable doubt of sexually abusing AAA.

Under Article 335 of the Revised Penal Code, as amended, whenever the crime of rape is committed with the use of a deadly weapon the penalty shall be *reclusion perpetua* to death. In this case, the accused-appellant's use of a gun in the commission of the rape against AAA was both specifically alleged in the information and proven during the trial of the case. Considering that there was neither any mitigating nor aggravating circumstance in the commission of the offense, the lesser penalty of *reclusion perpetua* was properly imposed.²³

As to the award of damages, the Court of Appeals properly imposed the amounts of ₱50,000.00 as civil indemnity and ₱50,000.00 as moral damages. On the award of exemplary damages, the same is increased from ₱25,000.00 to ₱30,000.00 in line with recent jurisprudence.²⁴

WHEREFORE, the Court **AFFIRMS with MODIFICATIONS** the Decision dated February 2, 2010 of the Court of Appeals in CA-G.R. CEB CR.-H.C. No. 00465. The accused-appellant is found **GUILTY** beyond reasonable doubt of one count of rape and is sentenced to suffer the penalty of *reclusion perpetua*. The accused-appellant is **ORDERED** to pay AAA Fifty Thousand Pesos (₱50,000.00) as civil indemnity, Fifty Thousand Pesos (₱50,000.00) as moral damages, and Thirty Thousand Pesos (₱30,000.00) as exemplary damages, plus legal interest on all damages awarded at the rate of 6% per annum from the date of finality of this Decision.

Costs against the accused-appellant.

²³ Article 63 of the Revised Penal Code pertinently provides:
Art. 63. *Rules for the application of indivisible penalties.* — x x x.


In all cases in which the law prescribes a penalty composed of two indivisible penalties the following rules shall be observed in the application thereof:

x x x x

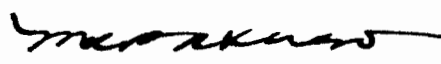
2. When there are neither mitigating nor aggravating circumstances in the commission of the deed, the lesser penalty shall be applied.

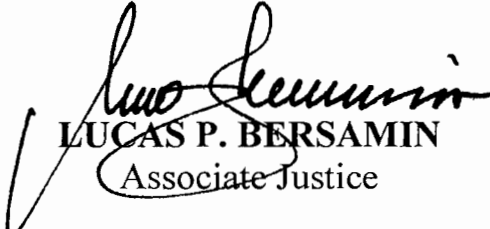
²⁴ *People v. Manigo*, G.R. No. 194612, January 27, 2014.

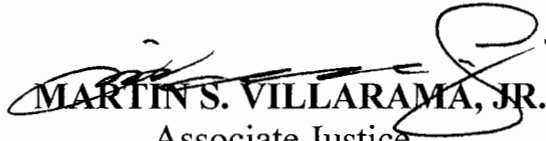
SO ORDERED.


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