



Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff-Appellee,

G.R. No. 199871

- versus -

Present:

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

WILFREDO SOLANO, JR. *y* GECITA,
Accused-Appellant.

Promulgated:

JUN 02 2014

X ----- X

RESOLUTION

DEL CASTILLO, *J.:*

Appellant Wilfredo Solano, Jr. *y* Gecita was charged with the crime of rape with homicide in an Information¹ that reads as follows:

That on or about the 22nd day of April, 2007 at around 9:00 o'clock in the morning, at Sitio Okdo, Barangay Palanas, municipality of Pilar, Province of Sorsogon, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with lewd design, by means of force, threat and intimidation, and by employing personal violence upon "AAA,"² a 12-year old girl, did then and there, wilfully, unlawfully and feloniously, have sexual intercourse with her against her will and without her consent, and after the sexual assault said accused strangled x x x "AAA," resulting [in] the immediate death of said victim, to the damage and prejudice of her legal heirs.

The crime is aggravated by the minority of the victim being twelve years old (12) at the time of the incident.

¹ Records, p. 1.

² "The real names of the victim and of the members of her immediate family are withheld pursuant to Republic Act No. 7610 (Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act) and Republic Act No. 9262 (Anti-Violence Against Women and Their Children Act of 2004)." *People v. Teodoro*, G.R. No. 175876, February 20, 2013, 691 SCRA 324, 326.

CONTRARY TO LAW.³

When arraigned on June 6, 2007, appellant entered a plea of not guilty.⁴ Trial on the merits ensued.

The facts of the case as summarized by the Court of Appeals are as follows:

To prove the charges against accused-appellant, Edwin Canon, Jr. [Edwin, Jr.] testified that in the morning of 22 April 2007, he and his brother were on their way home when he saw [appellant] chasing AAA on a grassy area located at the outskirts of their *barangay*. Not minding the two, they left and proceeded home. That same morning, he learned that people were looking for AAA so he told his father of what he saw. His father in turn informed the *barangay* officials and, after conducting a search, AAA's lifeless body was found in a swamp near the place where Edwin, Jr. saw [appellant] chasing the victim. On cross-examination, Edwin, Jr. maintained that he was able to see and recognize [appellant] and AAA from a distance of about 50 to 60 meters before they ran towards the knee-high cogon grass area. According to him, [appellant] stopped and looked at them before running after the victim.

Meanwhile, prosecution witness Nestor Armenta [Nestor] fortified his *Sinumpaang Deklaracion* and claimed that in a grassy place in *Barangay* Palanas, he saw [appellant] holding an unconscious AAA by her armpits and [dragging] her while 'she was facing up lying on the ground.' Upon seeing him, [appellant] gave him a dagger look, so, he hurriedly left the place and proceeded to the *barangay* proper where he reported the matter to the *barangay* tanod.

On cross-examination, Nestor testified that he was about 9 meters away from where he saw [appellant] drag AAA. When he arrived at the town proper, he learned that there was a search for AAA so he relayed what he saw to Chief Tanod Zaldy Campo [Chief Tanod Campo] and went home. Thereafter, he was informed that the body of AAA was found in the place where he saw [appellant] dragging the victim. On further questioning, he asserted that he knew AAA because he was the caretaker of the fishpond owned by the victim's mother. He also knew [appellant] because he was a friend of his father.

x x x x

On the other hand, Chief Tanod Campo claimed that after Edwin Canon, Sr. [Edwin, Sr.] reported the matter to them[, a] group of about 30 persons, some of whom were relatives of AAA, proceeded to the swampy area where Edwin, Jr. saw [appellant] and AAA. At around 7 o'clock in the evening, with the aid of a *petromax*, they saw the body of AAA buried in mud. When asked to explain the pictures taken from the crime scene, the witness described that AAA was naked when they found her and her dress was 'tied on the neck and the panty was in one leg already.' Being the only suspect, they proceeded to the house of [appellant's] uncle to apprehend him. According to him, [appellant] confessed to raping and killing AAA when investigated at the barrio hall. He was remorseful

³ Records, p. 1.

⁴ Id. at 38.

and repentant when investigated and did not react when they told him that they found the body of AAA in the swamp.

On cross-examination, Chief Tanod Campo testified that x x x after his arrest, [appellant] verbalized to them his innocence and that he was the one who convinced [appellant] to surrender.

x x x x

According to [Municipal Health Officer Dr. David Daza], his examination of AAA’s genitalia showed that there was blood oozing out from her vagina which was marked with hymenal lacerations and presence of suspected spermatozoa thereby indicating that she was subjected to sexual intercourse.

[Appellant] denied that he raped and killed AAA. He maintained that on the day of the incident, he and his two cousins were at the house of his uncle, Ernesto Solano to watch over the palay. Around 1 o’clock in the afternoon, he was summoned by Chief Tanod Campo and brought to the *barangay* hall. Thereat, [a relative of “AAA”] asked him whether he saw AAA and when he answered in the negative, [“AAA’s” relative] threw a punch at him. After that, he was instructed by his uncle to go home but at around 10 o’clock in the evening, some military men arrested him and brought him to the Municipal Hall of Pilar, Sorsogon. x x x

x x x On cross-examination, he admitted that he personally knows the family of the victim since he worked for them for less than a year. When he learned about the alleged rape of his sister by [a relative of “AAA”] sometime in the year 2000, he quit his job with them. x x x He also admitted holding a grudge against the [family of “AAA”] but denied that he knows anything about AAA’s death. He also did not know of any reason why prosecution witnesses Edwin, Jr., Edwin Sr., Nelson and Chief Tanod Campo would testify against him inasmuch as he was in good terms with them. Lastly, [appellant] admitted that the place where he was then staying can easily be negotiated by walking or any means of transportation and that he could leave the place and return to it easily.⁵

On May 18, 2009, the Regional Trial Court of Sorsogon City, Branch 51 rendered its Decision⁶ finding appellant guilty as charged based on the following circumstantial evidence:

The accused was seen chasing the victim at the approximate time of the perpetration of the crime and at the hilly and grassy place where the victim was found;

The uncontroverted fact that the accused was seen dragging the motionless victim lying with her face up by another prosecution witness near the same place where he was also seen chasing the victim;

There was no other person last seen together with the victim;

⁵ CA *rollo*, pp. 94-98.
⁶ Records, pp. 135-140; penned by Judge Solon B. Sison.

The uncontroverted testimony of some prosecution witnesses regarding the extrajudicial confession made by the accused that he admitted raping and killing the victim and on the basis thereof he was apprehended and detained in the evening of the day of the incident in question;

The finding of the examining physician who conducted the autopsy that the victim was subjected to sexual intercourse when she was still alive manifested by several lacerations and blood found on her genitalia;

Death of the victim by strangulation and the fact that the body of the victim was found submerged in the muddy area very near the place where the accused was seen chasing the victim and likewise very near the place where the accused was likewise seen dragging the victim.

The accused admitted being angry at the [family of “AAA”] after he learned that his sister who by then was already in Manila was raped by [a relative of “AAA”].⁷

The trial court did not lend credence to the alibi of appellant. It observed that not one of appellant’s cousins who were supposed to be with him when the incident happened stepped forward to corroborate appellant’s testimony. Besides, the trial court noted that the place where appellant was supposedly present was located in the same *barangay* where the rape and homicide was committed. As such, it was not physically impossible for appellant to be present at the place where the crime was committed. The trial court also found that appellant harbored ill-feelings toward the family of “AAA” after learning that a relative of “AAA” raped his sister. Lastly, the court *a quo* considered the minority of “AAA” as the prosecution satisfactorily established that “AAA” was only 12 years of age during the commission of the crime.

The dispositive portion of the trial court’s Decision reads:

WHEREFORE, premises considered, the Court hereby finds accused WILFREDO SOLANO JR. y GECITA, GUILTY beyond reasonable doubt of the special complex crime of Rape with Homicide and hereby sentences him to suffer the penalty of *reclusion perpetua* without the possibility of parole.

In keeping with current jurisprudence the accused shall pay the heirs of “AAA” the amount of ₱50,000.00 for her death and ₱50,000.00 for having been raped. He is likewise held liable in the amount of ₱75,000.00 in moral damages and ₱25,000.00 as temperate damages in lieu of actual damages not supported by competent proof. There having been alleged and proven the minority of the victim, the same is taken as an aggravating circumstance which presence further more entitles her heirs [to] the award of ₱50,000.00 in exemplary damages.

SO ORDERED.⁸

⁷ Id. at 138.

⁸ Id. at 140.

Appellant appealed to the Court of Appeals. In its Decision⁹ dated July 14, 2011, the appellate court affirmed in full the trial court's Decision. It ratiocinated that -

So viewed, We find no reason to overturn the findings of the RTC with respect to [appellant's] culpability. In this case, the prosecution duly established that (1) [appellant] was seen by Edwin, Jr. chasing the victim; (2) [appellant] was also seen by Nestor chasing the victim; (3) the body of the victim was found in a swamp located near the place where Edwin, Jr. and Nestor last saw [appellant] and AAA and; (4) upon his arrest, [appellant] was remorseful, repentant and did not react when they told him that they found the body of AAA in the swamp. All these circumstances have remained unrefuted by [appellant] which indubitably demonstrate an unbroken chain of events from which a reasonable conclusion pointing to [appellant] as the culprit may be derived. From all indications, [appellant's] culpability had been duly established by his presence at the scene of the crime and his conduct towards AAA prior to her disappearance and eventual death.¹⁰

The dispositive portion of the appellate court's Decision reads, thus:

WHEREFORE, the foregoing considered, the appeal is hereby DISMISSED and the assailed Decision is AFFIRMED *in toto*. Costs against accused-appellant.

SO ORDERED.¹¹

Hence, this appeal.

In a Resolution¹² dated February 13, 2012, we required the parties to file their Supplemental Briefs; however, both opted to adopt the brief that they have filed before the Court of Appeals.¹³

Appellant claims that the pieces of circumstantial evidence presented by the prosecution are insufficient to prove his guilt beyond reasonable doubt. He insists that it was highly improbable for prosecution witness Edwin Jr. to have seen him chasing "AAA" from a distance of 50 to 60 meters or even identify him as the perpetrator of the crime.¹⁴ Appellant also assails the testimony of Nestor that he saw appellant dragging the victim's body towards the swamp considering the lack of explanation why he was in the vicinity or how he reached the place.¹⁵

⁹ CA *rollo*, pp. 92-103; penned by Associate Justice Josefina Guevara-Salonga and concurred in by Associate Justices Mariflor P. Punzalan-Castillo and Franchito N. Diamante.

¹⁰ Id. at 102-103.

¹¹ Id. at 103.

¹² *Rollo*, pp. 20-21.

¹³ Id. at 22-27.

¹⁴ CA *rollo*, pp. 31-32.

¹⁵ Id. at 32.

The appeal lacks merit.

“Circumstantial evidence is sufficient for conviction if: (a) there is more than one circumstance; (b) the facts from which the inferences are derived are proven; and (c) the combination of all the circumstances is such as to produce a conviction beyond reasonable doubt.”¹⁶ In this case, it is beyond doubt that all the circumstances taken together point to the singular conclusion that appellant, to the exclusion of all others, committed the crime. As found by the trial court and affirmed by the appellate court, the victim was last seen in the presence of the appellant. Edwin Jr. saw appellant chasing the victim. Nestor also saw appellant dragging the motionless body of “AAA.” The body of the victim was eventually found buried in the mud near the place where she was last seen with the appellant. Appellant admitted holding a grudge against the family of “AAA” because he believes that a relative of “AAA” had raped his [appellant’s] sister. The autopsy report showed that “AAA” was raped and strangled. Likewise, appellant could not ascribe any ill-motive on the part of prosecution witnesses Edwin Jr., Edwin Sr. and Nestor whom he even considered as friends.

We agree with the appellate court’s ratiocination that -

x x x while no direct evidence was adduced by the prosecution, We, however, agree with the trial court that there was sufficient circumstantial evidence to hold [appellant] for the special complex crime of Rape with Homicide. As proven by the prosecution, AAA was last seen in the company of [appellant] as the person chasing the victim on a grassy area located at the outskirts of their *barangay*. Contrary to the [appellant’s] supposition, We find that the distance of about 50-60 meters is enough for one person to recognize another person’s face. This is especially true since it had been established by one witness that [appellant] turned his face towards him x x x and that he was able to see him before AAA ran towards the knee-high cogon grass.

The same is true with respect to the accounts of Nestor. [Appellant’s] attempt to taint the truthfulness of his testimony on the mere fact that he failed to testify on ‘how he was able to reach the area’ or the reason why he was on that place at the time he saw [appellant] and AAA, finds no leg to stand on. Needless to state, the circumstances alluded [to] by [appellant] are trivial and merely refer to insignificant matters which hardly affect the credibility of the witness. What is more important is that Nelson’s testimony, which had been considered worthy of credit by the trial court, had withstood the gruelling cross-examination of the defense.¹⁷

As regards the penalty, both the trial court and the appellate court correctly sentenced appellant to *reclusion perpetua* without eligibility for parole. Both courts also properly awarded the heirs of “AAA” the amounts of ₱100,000.00 as civil indemnity, ₱75,000.00 as moral damages, ₱25,000.00 as temperate damages,

¹⁶ RULES OF COURT, Rule 133, Section 4.

¹⁷ CA *rollo*, pp. 100-101.

and ₱50,000.00 as exemplary damages.¹⁸ However, all damages awarded shall earn interest at the rate of 6% *per annum* from the date of finality of this judgment until fully paid in line with prevailing jurisprudence.

WHEREFORE, the July 14, 2011 Decision of the Court of Appeals in CA-G.R. CR-H.C. No. 04010 affirming the May 18, 2009 Decision of the Regional Trial Court of Sorsogon City, Branch 51 finding appellant Wilfredo Solano, Jr. y Gecita guilty beyond reasonable doubt of rape with homicide and sentencing him to suffer the penalty of *reclusion perpetua* without eligibility for parole, to pay the heirs of “AAA” ₱100,000.00 as civil indemnity, ₱75,000.00 as moral damages, ₱25,000.00 as temperate damages, and ₱50,000.00 as exemplary damages, is **AFFIRMED** with **MODIFICATION** that interest at the rate of 6% *per annum* shall be imposed on all damages awarded from date of finality of this judgment until fully paid.

SO ORDERED.



MARIANO C. DEL CASTILLO

Associate Justice

WE CONCUR:



ANTONIO T. CAPIO

Associate Justice

Chairperson



ARTURO D. BRION

Associate Justice



JOSE PORTUGAL PEREZ

Associate Justice



ESTELA M. PERLAS-BERNABE

Associate Justice

¹⁸ *Alicando v. People*, G.R. No. 181119, July 31, 2013.

ATTESTATION

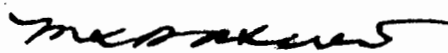
I attest that the conclusions in the above Resolution had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

**ANTONIO T. CARPIO**

Associate Justice
Chairperson

CERTIFICATION

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

