



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff-Appellee,

G.R. No. 194946

Present:

-versus-

VELASCO, JR.,*
LEONARDO-DE CASTRO,**
Acting Chairperson,
BERSAMIN,
PEREZ, and
PERLAS-BERNABE, JJ.

ECO YABA y BASA a.k.a. "Plok,"
Accused-Appellant.

Promulgated:

SEP 03 2014

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DECISION

PEREZ, J.:

Before this Court for final review is the appeal of Eco Yaba y Basa (accused-appellant) seeking the reversal of the Decision¹ dated 31 August 2010 of the Court of Appeals (CA) in CA-GR. CR.-H.C. No. 03247 which affirmed with modification the Decision² of the Regional Trial Court (RTC), Branch 57, Libmanan, Camarines Sur, finding him guilty beyond reasonable doubt of the crime of rape defined and penalized under Articles 266-A and 266-B of the Revised Penal Code, as amended.

* Per Special Order No. 1772 dated 28 August 2014.

** Per Special Order No. 1771 dated 28 August 2014.

¹ Rollo, pp. 2-15; Penned by Associate Justice Japar B. Dimaampao with Presiding Justice Andres B. Reyes, Jr. and Associate Justice Jane Aurora C. Lantion, concurring.

² CA rollo, pp. 8-18; Rendered by Judge Irma Isidora M. Boncodin.

The Facts

The accused-appellant was charged in an Information for the crime of rape, in relation to Republic Act (R.A.) No. 7610,³ docketed as Criminal Case No. L-4056 before the RTC, allegedly committed as follows:

That on July 8, 2005 about 4:00 o'clock in the afternoon in x x x Camarines Sur, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, with lewd designs, did then and there willfully, unlawfully and feloniously, by means of force, threats and intimidation have carnal knowledge with [AAA⁴], 15[-]year[-]old minor, against her will and without her consent, thus, such defloration of hers affect her psychological growth and development, to her damage and prejudice as shall be proven in Court.⁵

Upon arraignment, the accused-appellant entered a plea of “not guilty” to the crime charged.⁶ During the pre-trial conference, the parties stipulated that accused-appellant and AAA knew each other because the former was a friend of her uncle and at times, would stay at the house of AAA’s grandmother. Trial on the merits thereafter ensued.

Version of the Prosecution

On 8 July 2005, AAA asked permission from her grandmother to go home to her parents’ house at Bagong Sikat, Lupi, Camarines Sur, as it was a Friday.⁷ AAA was staying with her grandmother during school days since she was studying in Banga Caves, Ragay, Camarines Sur and would go home to Lupi only every weekend.⁸ Her grandmother permitted her to go home provided that she would be accompanied by accused-appellant, a family friend who previously sought permission to accompany her in going home.⁹

Upon reaching Upper Tagbak, AAA told accused-appellant to return home as she would be accompanied by a friend named Jeffrey the rest of the way. It turned out, however, that Jeffrey was not yet home by the time AAA

³ Special Protection of Children against Child Abuse, Exploitation and Discrimination Act, also known as the “Anti-Child Abuse Law.”

⁴ The victim’s real name as well as the members of her immediate family is withheld to protect her privacy pursuant to *People v. Cabalquinto*, 533 Phil. 703 (2006).

⁵ Records, p. 2.

⁶ Id. at 22.

⁷ TSN, 4 May 2006, p. 5.

⁸ Id. at 3-5.

⁹ Id. at 4-5.

dropped by the former's house. This prompted AAA to proceed on her way home alone.¹⁰

While walking on the road, accused-appellant surprised AAA by grabbing her hair, causing her to fall and lose her balance.¹¹ AAA fought back but accused-appellant boxed and kicked her three times. The punches which landed on her stomach and ear caused her to feel weak, disoriented and deaf.¹² Accused-appellant then picked a pointed stone and poked this at AAA's head. He threatened AAA that he has a cousin who is a member of the New People's Army and that she and her family would be killed if she will not give in to what he wanted.

Accused-appellant ordered AAA to undress but when she refused, he forcibly removed her shorts and underwear. He thereafter mounted on top of her and inserted his penis into her vagina.¹³ During this time, AAA struggled to free herself but accused-appellant held her hand and warned her that he would smash her head with the stone. After satisfying his desires, accused-appellant ordered AAA to dress up as he would accompany her in going home to Lupi.¹⁴

They arrived in Lupi at about 4:30 in the afternoon.¹⁵ BBB, AAA's cousin, noticed that the latter was in tears and that her clothes were muddy. When she inquired what happened, AAA ignored her and went straight to her room to change her clothes. AAA thereafter proceeded to the creek to take a bath and wash her clothes. BBB accompanied her while accused-appellant trailed behind them.¹⁶ They stayed in the creek for an hour. While thereat, AAA remained silent while BBB exchanged banter with accused-appellant.¹⁷

BBB was shocked when accused-appellant suddenly uttered: "*Kukuha ako ng baril at uubusin lahat,*" then hastily left. When only the two of them were left in the creek, AAA told her cousin that accused-appellant raped her.¹⁸ The two immediately went home and related to AAA's parents what had happened to her.

¹⁰ Id. at 6.

¹¹ Id.

¹² Id. at 7; TSN, 5 June 2006, pp. 5-7.

¹³ Id. at 7-8.

¹⁴ Id. at 8-9.

¹⁵ TSN, 15 June 2006, p. 3.

¹⁶ Id. at 6-7.

¹⁷ Id. at 11.

¹⁸ Id. at 8 and 12.

The following day, AAA was brought to the Municipal Health Office for medical examination. She was examined by Dr. Marilyn R. Cerilo-Folloso (Dr. Folloso) and the latter made the following findings: that patient had a contusion on the right thigh, a multilinear abrasion on the right lower leg, another contusion on the left thigh, an abrasion on the left knee, a perineal laceration measuring about .5-1 centimeter with minimal bleeding, and hymenal laceration superficial only at 7:00 o'clock position.¹⁹

Version of the Defense

Accused-appellant vehemently denied the allegations in the complaint. He averred that on the day in question, it was AAA who requested that he accompany her home to Bagong Sikat, Lupi. While on their way, it rained heavily and that made them slip thrice. AAA stumbled to the ground with her legs wide apart and hit a mango tree. Accused-appellant noticed blood on AAA's short pants and learned that she was menstruating that day. He helped AAA stand up but kept his distance when AAA was changing her clothes. He, however, claimed that was not the first time AAA undressed in front of him. He further claimed that AAA had no qualms undressing in front of him because they were lovers.

To bolster the cause of the defense, the counsel for accused-appellant presented Fernando Sarmiento (Sarmiento) who testified that he saw AAA and accused-appellant walking hand in hand on the day in question. An owner of a store named Marites Manalo (Manalo) was also presented to narrate that she overheard AAA asking accused-appellant to accompany her home to Bagong Sikat, Lupi.²⁰

Accused-appellant maintained that he did not rape AAA and was not aware of any reason why the latter would accuse him of rape.

Ruling of the RTC

On 5 February 2008, the trial court rendered a Decision finding accused-appellant guilty beyond reasonable doubt of the crime of rape. He was sentenced to suffer the penalty of *Reclusion Perpetua* and ordered to pay fifty thousand pesos (₱50,000.00) as civil indemnity, fifty thousand pesos (₱50,000.00) as moral damages, and the costs of suit.²¹

¹⁹ TSN, 27 April 2006, pp. 8-11.

²⁰ TSN, 12 March 2007, p. 7; TSN, 28 May 2007, p. 3.

²¹ Records, pp.124-134.

The trial court noted that AAA was straightforward and categorical in her narration on how accused-appellant raped her. It held that even if there was no medical certificate presented, the testimony alone of the victim being credible, is enough to convict the accused-appellant of the crime charged. The trial court also noted that the family of AAA subjected her to a medical examination right the following morning. Such reaction revealed the family's resolve to have justice served for what had happened to their daughter. The trial court further held that even if the medical certificate did not mention about the presence or absence of spermatozoa, still it was of the belief that AAA had been raped and it was the accused-appellant who raped her. It gave great weight on the testimony of AAA positively identifying accused-appellant as the author of the crime. It pointed out that no ill motive was shown by the defense why AAA would cry rape. Lastly, it did not give credence to the testimonies of defense witnesses Sarmiento and Manalo who portrayed AAA and accused-appellant as sweethearts. It held that even if they saw the two together on the day of the incident, such did not prove anything.²²

Ruling of the CA

The CA agreed with the RTC that the prosecution successfully proved that accused-appellant is guilty beyond reasonable doubt of the crime of rape. It ruled that the RTC did not falter in according weight to the narration of AAA as she remained steadfast and unyielding amidst grilling examination.²³ Thus, it held that the judgment of conviction was in order.

The CA affirmed the RTC decision with the modification that exemplary damages in the amount of ₱30,000.00 shall also be awarded. Below is the decretal portion of the CA Decision:

WHEREFORE, the Judgment of conviction dated 5 February 2008 rendered by the Regional Trial Court, Fifth Judicial Region, Libmanan, Camarines Sur, Branch 57, in Criminal Case No. L-4056, is hereby **AFFIRMED with MODIFICATION** in that exemplary damages in the amount of P30,000.00 is awarded.²⁴

Our Ruling

The Lower Courts' Findings on the Credibility of Witnesses

²² Id. at 133.

²³ *Rollo*, p. 13.

²⁴ Id. at 15.

The trial court placed full faith and credence upon the testimony of AAA. It found her testimony to be credible in itself. The theory of rape through force and intimidation proffered by the prosecution was successfully established through the credibility of AAA's testimony.

The basic rule is that findings and conclusions of a trial court, upon whom the responsibility of assessing the credibility of witnesses primarily rests, deserve great weight and respect.²⁵ Conclusions as to the credibility of witnesses in rape cases lie heavily on the sound judgment of the trial court.²⁶ When the question arises as to which version is to be believed, the judgment of the trial court is accorded the highest respect in view of the opportunity it had to observe the witnesses' demeanor and deportment on the witness stand. Concededly, it is in a better position than an appellate court to discern whether a witness is telling the truth or fabricating a lie. Barring arbitrariness and oversight of facts which might affect the result of the case, such assessment must bind even this Court.

We find no reason to depart from the findings of the trial court as affirmed by the CA. Hence, we sustain the conviction.

Sweetheart Theory

The accused-appellant would have this Court believe that he and AAA were lovers. This sweetheart theory, however, is bereft of any substantial proof. Other than accused-appellant's self-serving assertions and the testimonies of Sarmiento and Manalo, there were no other evidence presented to satisfactorily prove the alleged romantic relationship. The testimonies that they were seen together talking on the day of the incident or that they were walking hand in hand in going to Lupi do not give rise to the inference that they were sweethearts. We previously held that the sweetheart theory or sweetheart defense is an oft-abused justification that rashly derides the intelligence of this Court and sorely tests its patience.²⁷ For the Court to even consider giving credence to such defense, it must be proven by compelling evidence. The defense cannot just present testimonial evidence in support of the theory, as in the instant case. Independent proof is required – such as tokens, mementos, and photographs. There is none presented here by the defense.²⁸

²⁵ *People v. Alimon*, 327 Phil. 447, 462 (1996); *People v. Magana*, 328 Phil. 721, 735 (1996).

²⁶ *People v. Malunes*, 317 Phil. 378, 386 (1995).

²⁷ *People v. Manallo*, 448 Phil. 149, 165 (2003).

²⁸ *People v. Baldo*, G.R. No. 175238, 24 February 2009, 580 SCRA 225, 232.

Besides, even if it were true that accused-appellant and AAA were sweethearts, this fact does not necessarily negate the commission of rape. Being sweethearts does not prove consent to the sexual act.²⁹ Definitely, a man cannot demand sexual gratification from a fiancée and worse, employ violence upon her on the pretext of love. Love is not a license for lust.³⁰

Medical Findings as Evidence

The trial court was correct in giving weight on the medical findings of Dr. Follosó. In his effort to secure an acquittal, accused-appellant argued that the perineal laceration found on AAA was not caused by a penile penetration but by falling and hitting a mango tree. And he averred that the bleeding was caused by the monthly period of AAA. Such allegations were negated by the testimony of Dr. Follosó. When asked on what could have caused the laceration in the perineal area of the patient, Dr. Follosó was categorical in her answer that there was an attempt to penetrate on the vaginal opening.³¹ Accused-appellant's contention that AAA was menstruating at the time of the incident was also negated by the two medical certificates (Exhibits "A" and "T") issued by Dr. Follosó. What was indicated in the medical report is Perineal Laceration .5-1 cm., with minimal bleeding and hymenal laceration, superficial, 7:00 o'clock. If the blood was brought about by AAA's menstruation, then such fact should have been stated in the report. As it is, the medical findings did not mention anything about menstruation. On the other hand, they were consistent with the injuries sustained, brought about by the attack, as narrated by AAA.

In fact, we have already ruled that for a conviction of rape, medical findings of injuries in the victim's genitalia are not essential.³² Case law has it that in view of the intrinsic nature of rape, the only evidence that can be offered to prove the guilt of the offender is the testimony of the offended party. Even absent a medical certificate, her testimony, standing alone, can be made the basis of conviction if such testimony is credible.³³

Penalty and Award of Damages

We likewise adopt the RTC and the CA's imposition of the penalty of *reclusion perpetua*.

²⁹ *People v. Magbanua*, 576 Phil. 642, 647-648 (2008).

³⁰ *People v. Manallo*, supra note 27 at 166.

³¹ TSN, 27 April 2006, p. 10.

³² *People v. Villadares*, 406 Phil. 530, 541 (2001).

³³ *Llave v. People*, 522 Phil. 340, 366 (2006).


As regards the award of damages, the amount of 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 are in order. In addition, all damages awarded shall earn interest at the rate of 6% per annum to be computed from the date of finality of this judgment until fully paid, to be consistent with prevailing jurisprudence.³⁴


WHEREFORE, the instant appeal is **DENIED**. The Decision of the Court of Appeals in CA-G.R. CR.-H.C. No. 03247 is **AFFIRMED** with **MODIFICATION** that all damages awarded shall earn interest at the rate of six percent (6%) per annum from finality of this judgment until fully paid.

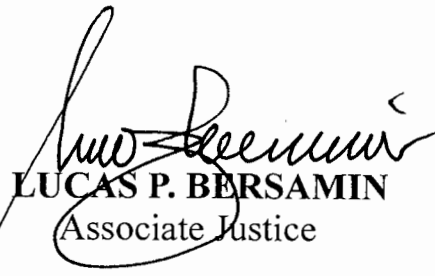
SO ORDERED.


JOSE PORTUGAL PEREZ
Associate Justice

WE CONCUR:



PRESBITERO J. VELASCO, JR.
Associate Justice


TERESITA J. LEONARDO-DE CASTRO
Associate Justice
Acting Chairperson


LUCAS P. BERSAMIN
Associate Justice


³⁴

People v. Dumadag, G.R. No. 176740, 22 June 2011, 652 SCRA 535, 550; *People v. Galvez*, G.R. No. 181827, 2 February 2011, 641 SCRA 472, 485; *People v. Alverio*, G.R. No. 194259, 16 March 2011, 645 SCRA 658, 670.


ESTELA M. PERLAS-BERNABE
Associate Justice


ATTESTATION

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


TERESITA J. LEONARDO-DE CASTRO
Associate Justice
Acting Chairperson, First Division

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, and the Division Chairperson's Attestation, it is hereby certified that the conclusions in the above Decision were reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.


ANTONIO T. CARPIO
Acting Chief Justice