



Republic of the Philippines  
**Supreme Court**  
Manila

**FIRST DIVISION**

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

**G.R. No. 200077**

Present:

SERENO, C. J.,  
*Chairperson,*  
LEONARDO-DE CASTRO,  
BERSAMIN,  
PEREZ and  
PERLAS-BERNABE, JJ.

- versus -

Promulgated:

**ADEL RAMOS Y ABELLANA,**  
Accused-appellant.

**SEP 17 2014**

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**DECISION**

**PEREZ, J.:**

Before us is a Notice of Appeal from the Decision<sup>1</sup> of the Court of Appeals in CA-G.R. CR. H.C. No. 04354, affirming the judgment of conviction of accused-appellant, Adel Ramos y Abellana (Ramos) of four (4) counts of Rape meted by the Regional Trial Court, Branch 199, Las Piñas City in Criminal Case Nos. 08-0281 to 08-0284.<sup>2</sup>

Ramos was charged with four (4) counts of Rape committed on different occasions in similarly worded Informations:

<sup>1</sup> Penned by Associate Justice Celia C. Librea-Leagogo with Associate Justices Remedios A. Salazar-Fernando and Michael P. Elbinias, concurring. *Rollo*, pp. 2-39.

<sup>2</sup> Penned by Presiding Judge Joselito Vibandor. *CA rollo*, pp. 72-92.

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## Criminal Case No. 08-0281

That on or about the 17<sup>th</sup> day of July 2007, in the City of Las Piñas, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with lewd design, by means of force, violence and intimidation, willfully, unlawfully and feloniously have carnal knowledge with one “AAA”,<sup>3</sup> a sixteen (16) year old minor, against her will and without her consent, subjecting the said minor complainant to sexual abuse, which act debases the intrinsic dignity of the minor complainant and which is prejudicial to her physical, emotional and psychological development.

CONTRARY TO LAW.

## Criminal Case No. 08-0282

That on or about the 29<sup>th</sup> day of January 2008, in the City of Las Piñas, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with lewd design, by means of force, violence and intimidation, willfully, unlawfully and feloniously have carnal knowledge with one “AAA”, a seventeen (17) year old minor, against her will and without her consent, subjecting the said minor complainant to sexual abuse, which act debases the intrinsic dignity of the minor complainant and which is prejudicial to her physical, emotional and psychological development.

CONTRARY TO LAW.

## Criminal Case No. 08-0283

That on or about and sometime between July 17, 2007 and January 29, 2008, in the City of Las Piñas, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with lewd design, by means of force, violence and intimidation, willfully, unlawfully and feloniously have carnal knowledge with one “AAA”, a seventeen (17) year old minor, against her will and without her consent, subjecting the said minor complainant to sexual abuse, which act debases the intrinsic

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<sup>3</sup> This is pursuant to the ruling of this Court in *People v. Cabalquinto*, 533 Phil. 703 (2006), wherein this Court resolved to withhold the real name of the victim-survivor and to use fictitious initials instead to represent her in its decisions. Likewise, the personal circumstances of the victims-survivors or any other information tending to establish or compromise their identities, as well as those of their immediate family or household members, shall not be disclosed. The names of such victims, and of their immediate family members other than the accused, shall appear as “AAA,” “BBB,” “CCC,” and so on. Addresses shall appear as “XXX” as in “No. XXX Street, XXX District, City of XXX.”

The Supreme Court took note of the legal mandate on the utmost confidentiality of proceedings involving violence against women and children set forth in Sec. 29 of Republic Act No. 7610, otherwise known as *Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act*; Sec. 44 of Republic Act No. 9262, otherwise known as *Anti-Violence Against Women and Their Children Act of 2004*; and Sec. 40 of A.M. No. 04-10-11-SC, known as *Rule on Violence Against Women and Their Children* effective 15 November 2004.

dignity of the minor complainant and which is prejudicial to her physical, emotional and psychological development.

CONTRARY TO LAW.

Criminal Case No. 08-0284

That on or about and sometime between July 17, 2007 and January 29, 2008, in the City of Las Piñas, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with lewd design, by means of force, violence and intimidation, willfully, unlawfully and feloniously have carnal knowledge with one “AAA”, a seventeen (17) year old minor, against her will and without her consent, subjecting the said minor complainant to sexual abuse, which act debases the intrinsic dignity of the minor complainant and which is prejudicial to her physical, emotional and psychological development.

CONTRARY TO LAW.<sup>4</sup>

These cases were consolidated and jointly tried. Upon arraignment, Ramos pleaded not guilty to all counts of rape.

As directed by the trial court, its social worker conducted a case study on the minor victim, AAA, the victim’s family and environment and on such other matters relevant to the proper disposition of the case.

The Pre-Trial Order for the cases contained the following stipulations and admissions:

1. that the court has acquired jurisdiction over the offense charged and over the person of the accused;
2. the identity of the accused Adel Ramos y Abellana [who] is the same person present in court and that his true name is that appearing on the criminal information; and
3. the fact that the minor private complainant (AAA) was brought to Camp Crame for medical examination.<sup>5</sup>

At the trial, the prosecution presented four (4) witnesses: (1) AAA; (2) BBB, AAA’s mother; (3) Police Chief Inspector Marianne S. Ebdane (P/Chief Insp. Ebdane), Philippine National Police Medico-Legal Officer

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<sup>4</sup> Id. at 72-74.

<sup>5</sup> *Rollo*, p. 5.

and Child Protection Specialist; and (4) Roselyn Abunal (Roselyn), AAA's friend and confidant.

On the witness stand, AAA recounted that the first incident of rape occurred on 17 July 2007 when she slept over at Ramos' house upon the invitation of the latter's daughter and AAA's friend, Jocelyn Ramos' (Jocelyn). AAA and her family resided next door in a house leased to them by Ramos.

In the early hours of that day, 3:00 a.m., AAA woke up and went to the comfort room to urinate. About to step out of the comfort room, she was surprised to see Ramos who blocked her way, suddenly pushed her inside, pointed a gun at her side, and told her to be quiet. Ramos threatened to kill her and evict her family from their house, so she silently acquiesced.

Ramos ordered AAA to undress and lie on the bathroom floor; he then mounted AAA and penetrated her twice. Once sated, Ramos instructed AAA to wear her clothes and return to bed. AAA narrated that she sustained bloodstains on her panty and shorts and fell ill for about a week. She was terrified and thus, spoke to no one and nothing of what had befallen her.

Unwittingly, BBB sent her daughter to her second rape — on an errand, giving Ramos another opportunity to ravage AAA.

One day between the first rape on 17 July 2007 and the last one on 29 January 2008, at noon, BBB asked AAA to bring viand to Ramos' house. AAA was at the door and called for someone to get the food she had brought with her. A male voice asked her to place the food on the table, so AAA entered the house, placed the food and hurried to get out of the house. Unfortunately, however, Ramos pulled AAA back inside the house.

Trapped once more inside Ramos' house, AAA immediately saw that she and Ramos were again alone. At this point, Ramos again threatened AAA and ordered her to undress. Ramos then removed his shorts and for the second time, Ramos raped AAA. Like before, AAA was terrified, left Ramos' house and kept mum about this second rape.

The third incident took place sometime in August 2007 when AAA went to Ramos' house to return Jocelyn's things. AAA thought no one was at Ramos' house since no one came to the door despite her knocking. Despite her prior experience, she decided to go inside the house and just

leave Jocelyn's things. AAA was once again surprised by Ramos who was inside the house. The experience was repeated, Ramos pulled her and told her to remove her shorts. Ramos kissed AAA on the neck, fondled her, and ultimately succeeded in raping her for the third time. AAA, the whole time, just silently cried. As in the past assaults, AAA kept the ordeal to herself.

The fourth and final incident took place at around 3:00 a.m. of 29 January 2008. AAA went to the comfort room outside of their house and was startled see Ramos already inside. Similar to the previous occasions, Ramos threatened AAA to keep silent and told her to remove all her clothes. This time, Ramos lifted one of AAA's legs, shoved her against the wall and penetrated her while standing up.

Three days later, AAA broke her silence and told her best friend, Roselyn about Ramos' sexual assaults. Upon Roselyn's urging, AAA revealed all to her mother who brought her to the Women and Children Protection Desk at the Las Piñas Police Station the following day.

At Camp Crame, Quezon City, P/Chief Insp. Ebdane conducted the medical examination of AAA:

x x x [AAA] has a deep-healed laceration at 6 o'clock position which means that the laceration cannot be dated accurately since it is healed but there is clear evidence that there is a blunt penetrating trauma; AAA's claim, as stated on the sexual crime protocol, that she was raped on 17 July 2007 is consistent with [the] findings in [the] medico-legal report; during [the] medical examination, AAA was coherent; there were no other abnormal findings, and no abnormalities on the external genitalia; the general physical examination was normal and there were no physical injuries except for the genital finding; AAA was not crying at the time of her medical examination; and AAA was accompanied at that time by her mother. Dr. Ebdane identified the Medico-Legal Report No. R08-244 dated 08 February 2008.

x x x AAA's deep-healed laceration could also be caused by consensual sex; a blunt force or penetrating trauma could be caused by a finger, penis or a ballpen; the trauma could also be self-inflicted by using one's finger ; a deep healed laceration cannot be dated accurately; a deep-healed laceration is more than twenty-one (21) days; the blunt force or penetrating trauma sustained by AAA was not caused just recently at the time of the examination on 02 February 2008 because the laceration is already healed; according to AAA she has not sexual relationship and that it was the accused who is the perpetrator; and AAA told her that she was

raped for the first time on 17 July 2007 and that the last time was on 29 January 2008 at x x x, Las Piñas City.<sup>6</sup>

Meanwhile, based on the Social Case Study Report filed on June 8, 2008 by the court's social worker, the trial court issued an Order on the same day directing the parents of AAA to bring her to the National Center for Mental Health (NCMH) for psychiatric evaluation and treatment. The trial court likewise directed the NCMH to submit a report thereon.

As expected, the defense painted a different story: Ramos simply denied all charges of rape and countered with rhetorical questions and scenarios to assail the prosecution's evidence:

1. On the first incident, AAA did not sleep over and was accompanied by his daughter back to AAA's house while Ramos held their household dogs at bay to stop them from running after AAA. These dogs are usually near the comfort room and would bark at strangers in their house. Moreover, their house, 4 x 4 meters in size, is made of thin wood, without divisions, where all members of his household slept near the comfort room. In all, Ramos could not have raped AAA without being heard by other occupants of his house.

2. As for the circumstances surrounding the other incidents of rape, Ramos simply proffered instances of his kindness and generosity to AAA's family ranging from stopping AAA's parents from fighting to allowing AAA's family to pay house rentals on installment.

3. On raping AAA while in a standing position as recounted in the fourth and final rape charge, Ramos pointed out that he was taller than AAA which renders it impossible for him to rape the latter at such position.

4. If he had indeed raped AAA, then she and her family would have lodged a complaint at the first occurrence thereof.

Ramos' testimony was corroborated by his wife and daughter, Vergie and Joandel Ramos.

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<sup>6</sup> Id. at 8-9.

As adverted to, the trial court found Ramos guilty of four (4) counts of rape:

WHEREFORE, the court finds the accused **ADEL RAMOS y ABELLANA**, GUILTY beyond reasonable doubt for Four (4) counts or Rape under Criminal Informations Nos. 08-0281, 08-0282, 08-0283 and 08-0284 (penalized under Article 266-A Revised Penal Code in relation to Republic Act 7610), and hereby sentence (*sic*) to suffer a penalty of *RECLUSION PERPETUA* for each of the aforesaid cases with the accessory penalty as provided for by law.

This court likewise directs the accused ADEL RAMOS Y ABELLANA to indemnify the victim “AAA” FIFTY THOUSAND PESOS (□50,000.00) as civil indemnity *ex-delicto*, another FIFTY THOUSAND PESOS (□50,000.00) as moral damages and another TWENTY FIVE THOUSAND PESOS (□25,000.00) as exemplary damages for each of the aforesaid cases.

The awards of civil indemnity and moral damages [are] in accordance with prevailing jurisprudence. Civil indemnity, actually given as actual or compensatory damages, is awarded upon the finding that rape was committed. Similarly, moral damages are awarded to rape victims without need of pleading or evidentiary basis because the law assumes that a rape victim suffered moral injuries entitling her to the award.<sup>7</sup>

On Notice of Appeal, the appellate court affirmed the trial court’s finding of guilt on four (4) counts of rape. However, the Court of Appeals increased the award of exemplary damages for each count of rape and specified that all awards for civil indemnity, moral and exemplary damages shall bear interest at the rate of six percent (6%) per annum from the date of finality of the decision:

WHEREFORE, premises considered, the appeal is **DENIED**. The Decision dated 27 January 2010 of the Regional Trial Court of Las Piñas City, Branch 199 in *Crim. Cases Nos. 08-0281, 08-0282, 08-0283, 08-0284* finding accused-appellant Adel Ramos y Abellana guilty beyond reasonable doubt of four (4) counts of rape under Article 266-A, par. 1(a) of the Revised Penal Code, as amended; sentencing him to suffer the penalty of *reclusion perpetua* for **each** count of rape, and ordering him to pay the victim AAA the amounts of ₱50,000.00 as civil indemnity and ₱50,000.00 as moral damages for each count of rape, is **AFFIRMED** with **MODIFICATION** in that the trial court’s award of □25,000.00 as exemplary damages to be paid by accused-appellant to AAA is hereby increased to □30,000.00 for **each** count of rape, and that **ALL** the awards

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<sup>7</sup>

CA rollo, p. 92.

for civil indemnity, and moral and exemplary damages shall bear interest at the rate of 6% *per annum* from the date of finality of this Decision.<sup>8</sup>

Hence, this appeal on the sole issue of whether Ramos raped AAA on four (4) separate occasions.

As the lower courts' have ruled, we likewise find that Ramos had carnal knowledge of AAA through force, threat and intimidation, on all four (4) occasions.

We affirm both courts' uniform findings that Ramos repeatedly raped AAA in four (4) separate instances in a span of seven (7) months.

Articles 266-A, paragraph 1(a), and 266-B of the Revised Penal Code enumerate how rape is committed and the penalty therefor:

**ART. 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**;

x x x x

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

The appellate court affirmed the trial court's disquisition finding the testimony of AAA, straightforward and categorical, that she had been raped by Ramos, *i.e.*, Ramos had carnal knowledge of AAA, through force, threat and intimidation.

*First.* Both the lower courts correctly gave credence to AAA's testimony, which was personally observed by the trial judge. On more than one occasion, we have held that in a prosecution for rape, the accused may be convicted solely on the basis of the testimony of the victim that is credible, convincing and consistent with human nature and the normal

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<sup>8</sup> *Rollo*, p. 35.



course of things.<sup>9</sup> As in this case, the final resolution of the issue turns on the credibility of the victim.

In the review of rape cases, we continue to be guided by the following principles: (1) an accusation for rape can be made with facility; it is difficult to prove but more difficult for the person accused, though innocent, to disprove; (2) in view of the nature of the crime of rape where only two persons are usually involved, the testimony of the complainant is scrutinized with extreme caution; and, (3) the evidence for the prosecution stands or falls on its own merits and cannot be allowed to draw strength from the weakness of the defense.<sup>10</sup> Thus, in a prosecution for rape, the complainant's credibility becomes the single most important issue.<sup>11</sup>

Moreover, we have consistently held that the testimony of minor victims is normally given full weight and credit. When a woman states that she has been raped, she says in effect all that is necessary to show that rape was committed.<sup>12</sup> AAA was still a minor when the rape occurred and her testimony was found by the lower courts to be a straightforward and categorical account of all the incidents, notwithstanding her youth and innocence.

As the lower courts have noted, we find AAA's testimony credible; she remained steadfast and never wavered in her claim that Ramos raped her, as she recounted the harrowing ordeal repeated four (4) times:

1. First incident

FISCAL AZARES

Q: (AAA), do you remember where were you on July 17, 2007?

A: I was at the house of Adel Ramos, sir.

x x x x

Q: Why were you at the house of Adel Ramos, Ms. Witness?

A: Because her (*sic*) teenage daughter invited me to sleep there because our house was not yet fully constructed, sir.

x x x x

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<sup>9</sup> *People v. Felan*, G.R. No. 176631, 2 February 2011, 641 SCRA 449, 452.

<sup>10</sup> *People v. Abellano*, 551 Phil. 826, 833-834 (2007).

<sup>11</sup> *Id.* at 834.

<sup>12</sup> *Id.*

COURT

Q: Where is this house of Adel Ramos located?

A: Beside our house, Your Honor.

Q: Where exactly?

A: [XXX, XXX], Las Piñas City, Your Honor.

x x x x

FISCAL AZARES

Q: Do you own the house where you live, Ms. Witness?

A: No, sir. We're just renting the house, sir.

Q: And do you know who [rents out] this house that you stay in?

A: Adel, sir.

Q: If you will see again Adel Ramos, will you be able to identify him?

A: Yes, sir.

Q: Kindly look around this court and tell us if Adel Ramos is here.

COURT INTERPRETER

Witness has pointed to a man wearing a yellow shirt, with handcuffs and when asked he identified himself as Adel Ramos.

FISCAL AZARES

Q: Ms. Witness, until what time did you stay at the house of Adel Ramos?

A: I slept there, sir.

Q: At 3:00 o'clock in the morning of the following day, July 17, 2007, do you remember anything [unusual] that happened?

A: I just cried because of what happened to me and what he did to me, sir.

Q: Why? What did he do to you and what happened to you?

A: He took advantage of me, sir.

Q: What do you mean '*pinagsamantalahan*,' Ms. Witness?

A: When I slept there, I made my project there. When I woke up at around 3:00 o'clock, I went to the [comfort room].

x x x x

WITNESS

A: He touched in me [all over], sir.

COURT

Q: What do you mean he touched you?

A: When he inserted his penis inside my vagina, Your Honor.

Q: When you said '*ginalaw*,' is it my understanding that he raped you?

A: Yes, Your Honor.

Q: How did he rape you during that particular night?

A: He told me to take off all my clothes and he took off only his short pants, Your Honor.

x x x x

FISCAL AZARES

Q: And when Adel Ramos pushed you back inside the [comfort room], what happened next?

A: When he pushed me, he pointed his gun at my side.

Q: Did he tell you anything?

A: He told me that if I will shout, he will evict my whole family from our house and he threatened to kill me.

Q: Then what did the accused do next, if any?

A: He ordered me to sit on the floor and then he took off all my clothes, sir.

Q: What did he do next?

A: He went on top of me and when I was totally naked, he inserted his penis inside my vagina.

## 2. Second incident

Q: Can you remember if how many days after the first incident did that happen?

A: I can't recall, sir.

Q: Do you remember where did that happen?

A: At their *sala*, sir.

x x x x

Q: Why were you at the house of Adel Ramos at noontime at that time, Ms. Witness?

A: Because my mother told me to bring viand to them, sir.

Q: Is it usual for your mother to ask you to send food to the house of Adel Ramos, Ms. Witness?

A: Yes, sir.

Q: What happened when you brought food to the house of Adel Ramos?

A: I was at the door when I called for somebody. And then a male voice said that I should place the food on the table. So I [rushed] inside the house and when I was about to go out, he pulled me.

Q: Did you recognize whose voice was that, Ms. Witness?

A: No, sir.

Q: And who was that man who prevented you from going out of the house?

A: Adel Ramos, sir.

x x x x

Q: What happened when he prevented you from going out of the house and threatened you?

A: He raped me again, sir.

Q: Where?

A: At the *sala*, sir.

Q: Can you describe to us how did he do that again to you?

A: He told me to take off my clothes and he took off his short pants, sir.

Q: And then what did he do next after he ordered you to take off your clothes?

A: He went on top of me and he again inserted his penis into my vagina, sir.

Q: The first time that he did that to you, Ms. Witness, you told this court that he threatened you with a gun. Did he also threaten you with a gun this time?

A: No, sir.

### 3. Third incident

#### COURT

Q: You said that there were four (4) incidents of rape. The third incident of this alleged rape, how did this happen?

A: When I returned the things of his child, Your Honor.

Q: Was it in the evening, in the morning or in the afternoon?

A: In the afternoon, Your Honor.

x x x x

FISCAL AZARES

Q: Where did this third incident happen or transpire?

A: At their house also, sir.

Q: What part in their house?

A: At the *sala* also, sir.

Q: Could you tell us what did the accused do to you at that time?

A: When I was calling from the door, nobody was answering. So I thought that nobody was home. When I went inside, I saw no person there but when I was already in the *sala*, that's the time when I notice that he was there.

Q: And when you noticed that Adel Ramos was inside their *sala*, what did he do next, if any?

A: He pulled me again, sir.

Q: What did he do next?

A: He told me to remove my shorts, he also removed his short pants and then he kissed me on my neck, sir.

Q: Did he tell you anything?

A: None, sir.

Q: After he asked you to remove your shorts, what happened next?

A: He went on top of me, sir.

Q: After he went on top of you, what did you do?

A: I was just silent while crying, sir.

Q: Did he insert his penis inside your vagina?

A: Yes, sir. Only once.

#### 4. Fourth incident

Q: The fourth incident, Ms. Witness, where did this happen?

A: In our [comfort room], sir.

Q: When was that?

A: January 29, 2008, sir.

x x x x

Q: You said inside the [comfort room] of your house. Where is this [comfort room] located, Ms. Witness?

A: Outside, sir.

Q: Outside your house?

A: Yes, sir.

Q: While you were inside the [comfort room] what happened, Ms. Witness?

A: I was about to go inside our [comfort room] when I opened the door, I was surprised to see him there inside the [comfort room].

Q: Did you not lock the door?

A: It's not locked when nobody is inside it, sir.

Q: When you went inside the [comfort room] did you lock the door?

A: He was the one who [was] inside the [comfort room] [when] I was about to go inside.

Q: When you pushed the door of the [comfort room], the accused Adel Ramos was already inside the [comfort room]?

A: Yes, sir.

Q: And then what happened?

A: He made a signal for me to go inside the [comfort room], I was near the door, so I just went inside the [comfort room].

x x x x

Q: Did you do as he told you?

A: Yes, sir. I went inside the [comfort room]. Because if ever I will run away, he will pull me just the same, sir.

Q: What happened inside the [comfort room], Ms. Witness?

A: He told me to remove all my clothes, he lifted one of my legs and then he shoved me against the wall, sir.

Q: What did he do next?

A: He inserted his penis into my vagina once, sir.

Q: How big is the [comfort room] of yours?

A: It's a small [comfort room], sir.

Q: And how wide is that?

A: I cannot estimate, sir.

Q: Would you be able to lie down inside your [comfort room], Ms. Witness?

A: No, sir.

Q: After he inserted his penis into your vagina, what happened next, Ms. Witness?

A: He told me to wear my clothes and to go out, sir.

Q: Did he threaten you?

A: He threatened me that he will kill me and my parents if I will talk about the incident, sir.<sup>13</sup>

AAA's testimony is corroborated by the medical finding evincing forcible defloration, which taken together, provide sufficient basis to conclude that the essential requisites of carnal knowledge through force, threat and intimidation have been established.

On the whole, the prosecution's evidence, consisting of AAA's testimony, the result of the medical examination conducted on AAA, the Social Case Study Report, even without delving into AAA's fainting episode during the trial proceedings, establish in all aspects, physical and emotional, the sexual assault by Ramos on AAA.

In stark contrast, Ramos makes a wholesale denial of the four (4) instances of rape and throws rhetorical questions that are irrelevant to the gravamen of the crime of rape and its specific details testified to by AAA.

Ramos claims that AAA did not employ even the slightest amount of resistance as she did not push him away or attempt to shout. He further avers that during the first incident when he supposedly poked a gun at AAA, it was unusual that AAA remained passive under attack and went back to sleep in Ramos' house after having been sexually assaulted.

The supposed observations do not disprove rape.

To begin with, tenacious resistance against rape is not required; neither is a determined or a persistent physical struggle on the part of the victim necessary.<sup>14</sup> It is well-settled that the force contemplated by law in the commission of rape is relative, depending on the age, size and strength of the parties.<sup>15</sup>

AAA was a minor of small stature — 4'10 in height, whereas Ramos was 50-years-old at the time — 5'6 in height. For AAA, resistance would have been futile when taking into consideration the significant age and height differences between her and Ramos.

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<sup>13</sup> TSN, 21 May 2008, pp. 7-30.

<sup>14</sup> *People v. Gayeta*, G.R. No. 171654, 17 December 2008, 574 SCRA 213, 224.

And Ramos' very argument about AAA being poked with a gun but remaining pliant illustrates vividly Ramos' exploitation of AAA's youth that made it easy to cow her into submission. Any person, even socially labeled alpha males, more so a minor female, may very well be seared away by a pointed gun.

Next, Ramos casts doubt on the credibility of AAA by insisting that AAA could have easily escaped during the second and third incidents but did not, nor did she even try to shout for help. In addition, he argues that her visits to his house twice a week thereafter and her carelessly going to his house make it hard to believe that AAA was subjected to anything against her will.

We once more disagree.

Failure to cry for help or attempt to escape during the rape is not fatal to the charge of rape; it does not make voluntary AAA's submission to appellant's lust.<sup>16</sup> Rape through intimidation includes the moral kind such as the fear caused by threatening the girl with a knife or pistol.<sup>17</sup>

In this case, Ramos' gun and continual threats were enough to make AAA cower in fear. Thus, the lower courts did not err in finding that Ramos employed enough force and intimidation to consummate his purpose in mind.<sup>18</sup> And as correctly held by the trial court, the fact that she was able to sleep after the first incident of rape is a trivial matter and does not affect the positive and categorical testimony of AAA about the rape.<sup>19</sup>

With respect to AAA's ostensible carelessness for returning to Ramos' house even after she was raped, Ramos insinuates that such is not the normal actuation of a woman who had been previously raped and is in fear of being raped again.

There is no established singular reaction to rape by all victims of this crime against persons. Indeed, AAA may have been naïve in returning to Ramos' house after Ramos raped her. However, naiveté is not equivalent to consensual sex and cannot erase the rape committed against AAA by Ramos.

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<sup>15</sup> Id. at 224-225.

<sup>16</sup> *People v. Arraz*, 591 Phil. 128, 138 (2008).

<sup>17</sup> *People v. Garcines*, 156 Phil. 655, 664 (1974).

<sup>18</sup> *People v. Guerrero*, G.R. No. 170360, 12 March 2009, 580 SCRA 666, 681-682.

<sup>19</sup> *People v. Napudo*, 589 Phil. 201, 216 (2008).



AAA sufficiently explained why she went to the house of the appellant, to wit:

Q: If that is so, then why do you have to go to the house of the accused?

A: Because my other siblings are not capable of going on errands and also his daughter was outside, so I was the one who put the things inside the house, Your Honor.

x x x x

Q: Ms. Witness, was there a time that you came to like the accused raping you?

A: No, sir.

x x x x

Q: Tell us your reason why do you have to go to the house of the accused?

A: Because of his teenage daughter, Your Honor. We're inviting each other.

Q: And what do you usually do whenever you go to the house of the accused?

A: Me and his teenage daughter are talking to each other, Your Honor.<sup>20</sup>

In the appellant's brief, Ramos belatedly asserts that AAA is sexually promiscuous, who cohabited with her boyfriend soon after the criminal charges against Ramos were lodged, and was impregnated thereafter.

We reject this defense as a clear afterthought. In any event, we have previously ruled that even those with unchaste character may be a victim of rape.<sup>21</sup> Thus, Ramos' strategy in attacking AAA's character falters as a defense.

Then, too, Ramos is ensnared by his conflicting assertions. He would say that AAA consented to the sexual intercourse, there being no proof of force, threat and intimidation. Yet, he likewise claims that he did not have sexual intercourse with AAA because it was allegedly impossible to do so at the comfort room in his house.

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<sup>20</sup> TSN, 21 May 2008, pp. 42-44.

<sup>21</sup> *People v. Rante*, G.R. No. 184809, 29 March 2010, 617 SCRA 115.

Ramos next posits that the delay of seven (7) months before AAA revealed the rape to her mother belied her claim of sexual assault.

We cannot subscribe to Ramos' reasoning.

Delay in reporting a rape to the police authorities does not negate its occurrence nor does it affect the credibility of the victim. In the face of constant threats of violence and death, not just on the victim but extending to her kin, a victim may be excused for tarrying in reporting her ravishment.<sup>22</sup> In this case, AAA consistently claims that on all occasions of the rape, Ramos threatened her with death and eviction from home. Hence, apart from the embarrassment and shame that, if unjustifiably, goes with being raped, it is quite understandable for a minor to be hesitant or disinclined to come out in public and relate a painful and horrible experience of sexual violation.<sup>23</sup>

Significantly, while the testimonies of the prosecution witnesses are supported by direct evidence, the evidence of the defense consist in bare allegations that were easily dismissed by the lower courts.

For instance, Ramos testified that the presence of dogs and the cramped space in the comfort room precludes rape. However, no rule exists that rape can be committed only in seclusion.<sup>24</sup> And while usually, rape is committed in relative isolation or even secrecy,<sup>25</sup> we have found, in other instances, that venues of rape vary and sometimes include inside a house where there were other occupants,<sup>26</sup> and even in a small room where other family members also sleep.<sup>27</sup> Certainly, we are not wont to sustain Ramos' defense that there were other members of his household sleeping inside the house who would have heard him while he raped AAA, or that the house had no division which discourages the commission of rape.

We quote with favor the appellate court's assessment of the prosecution's and the defense's respective evidence:

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<sup>22</sup> *People v. Sinoro*, 449 Phil. 370, 381 (2003).

<sup>23</sup> *Id.*

<sup>24</sup> *People v. Aguilar*, G.R. No. 185206, 25 August 2010, 629 SCRA 437, 448.

<sup>25</sup> *People v. Marcos*, G.R. No. 185380, 18 June 2009, 589 SCRA 661, 669.

<sup>26</sup> *People v. Arraz*, *supra* note 16 at 138.

<sup>27</sup> *People v. Castel*, 593 Phil. 288, 315 (2008).

Against a deluge of inculpatory evidence from the prosecution, all that accused-appellant could muster was his defense of denial. He testified, *inter alia*, that: AAA was lying; it was not possible for him to have raped her because of the dogs barking whenever there were strangers at their house; there was even a dog near the toilet, which just gave birth, and was fierce and kept on barking; and it was impossible for him to rape AAA while standing because of the height disparity; AAA did not sleep in their house on 17 July 2007 as his daughter accompanied her out of the house; and his family was also at the house. What can be gleaned from his testimony is that accused-appellant does not question the fact that he was at the *locus criminis* when the rape incidents happened.

Self-serving statements cannot be accorded greater evidentiary weight than the declaration of a credible witness on affirmative matters. Time-tested is the rule that between the positive assertion of prosecution witnesses and the negative averment of an accused, the former undisputedly deserves more credence and is entitled to greater evidentiary value. As it has been oft pronounced, both denial and *alibi* are inherently weak defenses which cannot prevail over the positive and credible testimony of the prosecution witness that [Ramos] was the author of the crime charged.

For the crime of rape to be committed, it is not necessary for the place to be ideal or the weather to be fine, for rapists bear no respect for locale and time when they carry out their evil deed. In numerous cases, it has been held that rape can be committed even in places where people congregate, in parks, along the roadside, in school premises, in a house where there are other occupants, in the same room where other member of the family are also sleeping and even in places which to many would appear unlikely and high risk venues for its commission. Besides, there is no rule that rape can be committed only in seclusion. Indeed, lust is no respecter of time and place.<sup>28</sup>

Turning now to the imposable penalty, the lower courts correctly sentenced Ramos to *reclusion perpetua* for each count of rape, totaling four.<sup>29</sup>

As for the lower courts' award of civil indemnity and damages, (₱50,000.00 for each count of rape and ₱50,000.00 as moral damages also for each count of rape), they differed in the amount of exemplary damages awarded which the appellate court increased from ₱25,000.00 to ₱30,000.00.

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<sup>28</sup> *Rollo*, pp. 33-34.

<sup>29</sup> Revised Penal Code, Articles 266-A, paragraph 1(a) and 266-B.

We affirm all of the lower courts' awards for each count of rape in the following amounts: (1) ₱50,000.00 as civil indemnity, (2) ₱50,000.00 as moral damages, and (3) ₱30,000.00 as exemplary damages.

The awards of civil indemnity and moral damages of ₱50,000.00 for each count of rape are proper given the number of times Ramos raped AAA, took advantage of her minority and the proximity of the places where they resided.

We further affirm the appellate court's increase in the award of exemplary damages to ₱30,000.00, even nary an aggravating circumstance attending the rape of AAA, based on the main provision of Article 2229<sup>30</sup> of the Civil Code and not just on Article 2230<sup>31</sup> thereof.

Exemplary damages are intended to deter serious wrong doings, and to serve as vindication of undue sufferings and wanton invasion of the rights of an injured or a punishment for those guilty of outrageous conduct.<sup>32</sup> They may be awarded when circumstances of the case show the highly reprehensible or outrageous conduct of the offender. On more than one occasion, we have awarded exemplary damages to set a public example, to serve as deterrent to elders who abuse and corrupt the youth, and to protect the latter from sexual abuse.<sup>33</sup>

In this case, we cannot overemphasize that AAA was a minor when Ramos raped her on four (4) separate occasions. This was aggravated by the fact that on the first incident thereof, Ramos threatened her with a gun, a deadly weapon. All told, the award of exemplary damages in the amount of ₱30,000.00 for each count of rape is in order.

Lastly, we sustain the appellate court's specification that all awards for civil indemnity, and moral and exemplary damages shall bear interest of six percent (6%) per annum from the date of finality of this Decision until full payment thereof.<sup>34</sup>

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<sup>30</sup> Art. 2229. Exemplary or corrective damages are imposed, by way of example or correction for the public good, in addition to the moral, temperate, liquidated or compensatory damages.

<sup>31</sup> Art. 2230. In criminal offenses, exemplary damages as a part of the civil liability may be imposed when the crime was committed with one or more aggravating circumstances. Such damages are separate and distinct from fines and shall be paid to the offended party.

<sup>32</sup> *People v. Catubig*, 416 Phil. 102, 118-119 (2001).

<sup>33</sup> *People v. Cañada*, G.R. No. 175317, 2 October 2009, 602 SCRA 378; *People v. Neverio*, G.R. No. 182792, 25 August 2009, 597 SCRA 149; *People v. Layco, Sr.*, G.R. No. 182191, 8 May 2009, 587 SCRA 803.

<sup>34</sup> See *Banko Sentral ng Pilipinas* Circular No. 799, Series of 2013.


deadly weapon. All told, the award of exemplary damages in the amount of ₱30,000.00 for each count of rape is in order.

Lastly, we sustain the appellate court's specification that all awards for civil indemnity, and moral and exemplary damages shall bear interest of six percent (6%) per annum from the date of finality of this Decision until full payment thereof.<sup>34</sup>

**WHEREFORE**, the appeal is **DENIED**. The Decision of the Court of Appeals in CA-G.R. CR. H.C. No. 04354 finding accused-appellant Adel Ramos y Abellana guilty beyond reasonable doubt for four (4) counts of rape and sentencing him to *reclusion perpetua* for each count thereof is **AFFIRMED**. The following awards are likewise **AFFIRMED**:

1. Civil indemnity in the amount of ₱50,000.00 for each count of rape;
2. Moral damages in the amount of ₱50,000.00 for each count of rape;
3. Exemplary damages in the amount of ₱30,000.00 for each count of rape; and
4. Imposition of 6% *per annum* interest on all the awards for civil indemnity, and moral and exemplary damages from the date of finality of this Decision until full payment thereof.

**SO ORDERED.**

  
**JOSE PORTUGAL PEREZ**  
Associate Justice

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<sup>34</sup> See *Banko Sentral ng Pilipinas* Circular No. 799, Series of 2013.

WE CONCUR:

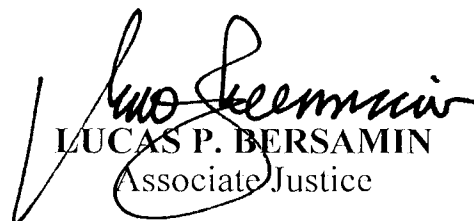


**MARIA LOURDES P. A. SERENO**


Chief Justice  
Chairperson



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



**LUCAS P. BERSAMIN**  
Associate Justice



**ESTELA PERLAS-BERNABE**  
Associate Justice

### CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, 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.



**MARIA LOURDES P. A. SERENO**

Chief Justice