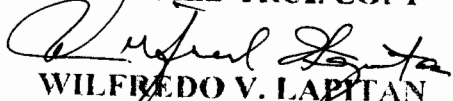


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WILFREDO V. LAPID  
Division Clerk of Court  
Third Division



JUL 23 2018

Republic of the Philippines  
Supreme Court  
Manila

THIRD DIVISION

PEOPLE OF THE PHILIPPINES,  
*Plaintiff-Appellee,*

G.R. NO. 222497

Present:

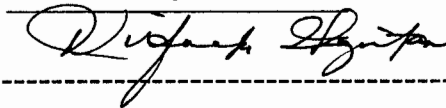
- versus -

VELASCO, JR., *J.*, *Chairperson*  
BERSAMIN,  
LEONEN,  
MARTIRES, and  
GISMUNDO, *JJ.*

PEDRO RUPAL,  
*Accused-Appellant.*

Promulgated:


June 27, 2018



X-----X

DECISION

MARTIRES, *J.*:

Through this appeal, accused-appellant Pedro Rupal assails the 14 July 2015 Decision<sup>1</sup> of the Court of Appeals (*CA*), Twentieth Division, in CA-G.R. CR HC No. 01742 affirming, with modification as to the award of damages, the 5 September 2012 Decision<sup>2</sup> of the Regional Trial Court (*RTC*), Branch 52, Talibon, Bohol, finding him guilty of Rape as defined and penalized under Article (*Art.*) 266-A of the Revised Penal Code (*RPC*). 

<sup>1</sup> CA *rollo*, pp. 82-96. Penned by Associate Justice Jhosep Y. Lopez and concurred in by Associate Justices Pamela Ann Abella Maxino and Germano Francisco D. Legaspi.

<sup>2</sup> Records, pp. 117-127. Penned by Judge Marivic Trabajo Daray.

## THE FACTS

The accused-appellant was charged with Rape in an information<sup>3</sup> docketed as Crim. Case No. 06-1748, the accusatory portion of which reads:

That on or about the 15th day of December 2005, in the Municipality of ZZZ, Province of Bohol, Philippines, and within the jurisdiction of this Honorable Court, acting as Family Court, the above-named accused with lewd designs, grab AAA, a minor, she being born on November 27, 1992, while she was about to walk away from the accused, did then and there wilfully, unlawfully, and feloniously drag the victim towards a nearby coconut plantation and with the use of force, threat, and intimidation and thereafter said accused inserted his erect penis into the vagina of said AAA, thus, the accused succeeded in having carnal knowledge with the said victim without her consent and against her will, to the damage and prejudice of the said offended party.

Acts committed contrary to the provisions of Article 335<sup>4</sup> of the Revised Penal Code as amended by R.A. No. 7659<sup>5</sup> and R.A. No. 8353.<sup>6</sup>

When arraigned, accused-appellant pleaded not guilty<sup>7</sup> thus, trial proceeded with the prosecution presenting AAA,<sup>8</sup> BBB who is the mother of AAA, and Dr. Analita N. Auza.

To prove his defense, the accused-appellant took the witness stand.

<sup>3</sup> Id. p.2.

<sup>4</sup> Article 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, even though neither of the circumstances mentioned in the two next preceding paragraphs shall be present.

The crime of rape shall be punished by reclusion perpetua.

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.

When by reason or on the occasion of the rape, the victim has become insane, the penalty shall be death.

When rape is attempted or frustrated and a homicide is committed by reason or on the occasion thereof, the penalty shall be likewise death.

When by reason or on the occasion of the rape, a homicide is committed, the penalty shall be death. (As amended by R.A. 2632, approved June 18, 1960, and R.A. 4111, approved June 20, 1964).

<sup>5</sup> Entitled "An Act to Impose the Death Penalty on Certain Heinous Crimes, Amending for that Purpose the Revised Penal Laws, as Amended, Other Special Penal Laws, and for other Purposes."

<sup>6</sup> Entitled "An Act Expanding the Definition of the Crime of Rape, Reclassifying the same as a Crime Against Persons, Amending for the Purpose Act No. 3185, as Amended, Otherwise Known as the Revised Penal Code, and for other Purposes" and dated 30 September 1997.

<sup>7</sup> Records, p. 27.

<sup>8</sup> The true name of the victim had been replaced with fictitious initials in conformity to Administrative Circular No. 83-2015 (Subject: *Protocols And Procedures In the Promulgation, Publication, And Posting On The Websites Of Decisions, Final Resolutions, And Final Resolutions, And Final Orders Using Fictitious Names*). The confidentiality of the identity of the victim is mandated by R.A. No. 7610 ("*Special Protection of Children Against Abuse, Exploitation and Discrimination Act*"); R.A. No. 8508 ("*Rape Victim Assistance And Protection Act of 1998*"); R.A. No. 9208 ("*Anti-Trafficking In Persons Act Of 2003*"); R.A. No. 9262 ("*Anti-Violence Against Women And Their Children Act Of 2004*"); and R.A. No. 9344 ("*Juvenile Justice And Welfare Act Of 2006*").

### *The Version of the Prosecution*

At around 7:00 a.m. on 15 December 2005, AAA, a thirteen-year-old high school student, was at her school preparing decorations for her school's Christmas party when her classmate told her that somebody was looking for her at the waiting shed. When she went there, AAA saw accused-appellant who told her that her mother sent her P100.00 for her exchange gift but that she needed to have the hundred-peso bill changed because he used the P50.00 for his fare. AAA got the money but because she still had classes, the accused-appellant had to return later to get the P50.00.<sup>9</sup>

At about 1:00 p.m., accused-appellant returned to the waiting shed. AAA was handing him the P50.00, he pulled the handle of her bag, detaching it. Accused-appellant then pulled her towards the coconut plantation, pushed her to the ground, removed her underwear, raised her skirt, and mounted her. While AAA was crying, accused-appellant inserted his penis into her vagina and then made a push-and-pull movement, kissed her lips, and touched her breasts. After having carnal knowledge of AAA, accused-appellant told her not to tell BBB what happened, otherwise he would kill BBB and her siblings. Afraid that accused-appellant would make good his threat, AAA did not tell her mother what happened to her.<sup>10</sup>

In the afternoon of 2 January 2006, accused-appellant chased AAA as she alighted from a jeep on her way home to CCC, BBB's sister, with whom AAA was then staying as CCC's house was nearer her school. AAA ran when she noticed that accused-appellant was behind her and stopped only when she saw him take another direction. When the bystanders who saw accused-appellant chase AAA told CCC about it she, together with a barangay tanod, proceeded to BBB's house and informed her what accused-appellant had done.<sup>11</sup>

When BBB arrived at CCC's house, she inquired from AAA if she was raped. Because AAA refused to answer, the barangay tanod advised BBB to submit AAA to a medical examination. AAA agreed but requested that the examination be done the following day as it was already late. At around 11:00 p.m., AAA confided to BBB that she was raped twice by accused-appellant; once, when she was nine years old and the second, on 15 December 2005. AAA admitted that she never told her about it as she was afraid of his threat that he would kill her and AAA's siblings.<sup>12</sup>

On 4 January 2006, AAA<sup>13</sup> and BBB<sup>14</sup> went to the police station to submit their statements regarding the 15 December 2005 incident. In her

<sup>9</sup> TSN, 27 October 2006, pp. 5-8.

<sup>10</sup> Id. pp. 8-14; TSN, 3 December 2009, p. 6.

<sup>11</sup> TSN, 27 October 2006, pp. 16-17; TSN 3 December 2016, pp. 13-16; TSN, 15 July 2010, p.9-10.

<sup>12</sup> TSN, 15 July 2010, pp. 10-18.

<sup>13</sup> Records, p. 8, Exh. "A."

statement, AAA narrated that accused-appellant started raping her since she was nine years old and that these had taken place more than ten times.<sup>15</sup>

On 9 January 2006, AAA was physically examined by Dr. Auza, the municipal health officer. AAA told Dr. Auza that she was raped several times since she was nine years old. Dr. Auza arrived at the following findings and remarks after a perineal examination of AAA:

Findings: Nulliparous, scanty pubic hair.  
Presence of healed lacerated wound at 2, 7 and 11 o'clock sites of the vaginal opening.

Remarks: Hymen not intact  
Vaginal penetration is evident.<sup>16</sup>

In her analysis, Dr. Auza remarked that the laceration at the vaginal opening could have been caused by the forcible entry of a hard object, possibly, a male genitalia.<sup>17</sup>

### *The Version of the Defense*

Accused-appellant is the husband of DDD, BBB's sister; thus, AAA calls him "manong." Sometime in 2005, DDD confirmed to accused-appellant that she had quarrelled with BBB when BBB called her daughter a prostitute. Accused-appellant was ashamed that BBB and DDD were quarrelling despite being siblings.<sup>18</sup>

One morning until 3:00 p.m. on 15 December 2005, the accused-appellant and his two children cleaned the garden outside their house, which was just across the house of AAA. Accused-appellant rested thereafter inside the house and, at about 4:00 p.m., fetched water from the barangay deepwell. After he was done, he stayed home until he went to sleep.<sup>19</sup>

Alleging he did not commit any offense, accused-appellant did not execute any counter-affidavit when arrested in 2006 by the police.<sup>20</sup>

### *The Ruling of the RTC*

The RTC held that AAA's testimony was straightforward and believable, coming from a child who had neither reason to tell a lie nor motive to falsely

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<sup>14</sup> Id. p. 9.

<sup>15</sup> TSN, 3 December 2009, pp. 4-8.

<sup>16</sup> Records, p. 10, Exh. "B."

<sup>17</sup> TSN, 25 October 2011, p. 5.

<sup>18</sup> TSN, 24 January 2012, pp. 4-5, 9-10.

<sup>19</sup> Id. pp. 5-8; TSN, 8 March 2012, p. 10-11.

<sup>20</sup> TSN, 24 January 2012, pp. 10-11.

charge accused-appellant. While the RTC took note of the fact that there were only the medical certificate and the testimony of the physician to corroborate AAA's testimony, these, however, did not weaken the case since she was able to sufficiently prove that accused-appellant raped her on 15 December 2005. The RTC stressed that jurisprudence provides that great weight is given to the testimony of a child who was a rape victim.<sup>21</sup>

On the one hand, the RTC found weak accused-appellant's defense of denial compared to AAA's positive testimony. Moreover, accused-appellant's alibi was not only unbelievable but was also uncorroborated.<sup>22</sup>

Finding that the elements of Art. 266-A of the RPC was successfully proven by the prosecution, the RTC rendered its decision the decretal portion of which reads as follows:

WHEREFORE, considering the foregoing, the court hereby finds accused Pedro Rupal GUILTY beyond reasonable doubt for the crime of Rape. In accordance with the penalty set forth under Article 266-A of the Revised Penal Code, this court hereby sentences him to suffer the penalty of RECLUSION PERPETUA. He is likewise sentenced to pay civil indemnity to the victim AAA in the amount of FIFTY THOUSAND PESOS (P50,000.00), Philippine Currency.

As it appears on record that the accused is under detention at the BJMP, Talibon, Bohol, said accused shall be credited with the full period of his detention subject to an assessment by the jail warden on his demeanour while in said detention center.

SO ORDERED.<sup>23</sup>

Believing that the RTC erred in its decision, accused-appellant appealed to the CA.

### *The Ruling of the CA*

The CA found no merit in the appeal. The CA sustained the RTC's evaluation as to AAA's credibility since the trial judge had the advantage of examining the real and testimonial evidence before it as well as the demeanor of the witnesses. The CA ruled that AAA positively, candidly, and categorically narrated the gruesome and terrifying ordeal she experienced in the hands of accused-appellant.<sup>24</sup>



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<sup>21</sup> Records, pp. 125-126.

<sup>22</sup> Id. p. 126.

<sup>23</sup> Id. p. 127.

<sup>24</sup> CA rollo, pp. 88-89.

The CA did not find merit in accused-appellant's contention that there was inconsistency between AAA's testimony that she was raped by him since she was nine years old until she turned thirteen, with that of BBB who claimed that AAA admitted to her that she was raped only twice. The CA ruled that AAA's young and fragile mind, and with the accused-appellant's threat still existing, made her disclose that she was raped only twice. With the ongoing trial and knowing that she and her family could no longer be harmed by accused-appellant, she had the courage to reveal that the sexual assaults took place even before she was nine years old. Additionally, the CA held that the filing of only one criminal charge against accused-appellant does not in any way belie that she was raped by accused-appellant on 15 December 2005.<sup>25</sup>

Finding that all the elements of rape had been established by the prosecution, the CA affirmed the RTC decision convicting accused-appellant but modified the award of damages, *viz*:

**WHEREFORE**, the foregoing premises considered, the appeal is **DENIED**. The assailed *Decision* dated September 5, 2012 of the Regional Trial Court of Talibon, Bohol, is **AFFIRMED with MODIFICATION**. Accused-appellant is ordered to pay AAA the following:

1. PhP75,000.00 as civil indemnity;
2. PhP75,000.00 as moral damages;
3. PhP30,000.00 as exemplary damages.

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.<sup>26</sup>

## ISSUES

### I.

THE COURT A QUO GRAVELY ERRED IN GIVING MUCH WEIGHT AND CREDENCE TO THE INCONSISTENT, HIGHLY INCREDIBLE, AND IMPROBABLE TESTIMONY OF THE PRIVATE COMPLAINANT.

### II.

THE COURT A QUO GRAVELY ERRED IN CONVICTING THE ACCUSED-APPELLANT DESPITE THE FAILURE OF THE PROSECUTION TO PROVE HIS GUILT BEYOND REASONABLE DOUBT.



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<sup>25</sup> Id. p. 91.

<sup>26</sup> CA rollo, pp. 95-96.

## OUR RULING

The appeal is without merit.

***The elements of rape were proven  
by the prosecution.***

For a charge of rape under Art. 266-A(1)<sup>27</sup> of Republic Act (R.A.) No. 8353 to prosper, it must be proved that: (1) the offender had carnal knowledge of a woman, and (2) he accomplished such act through force or intimidation, or when she was deprived of reason or otherwise unconscious, or when she was under 12 years of age or was demented.<sup>28</sup> The gravamen of rape under Art. 266-A (1) is carnal knowledge of "a woman against her will or without her consent."<sup>29</sup> In this case where it was alleged to have been committed by force, threat or intimidation, "it is imperative for the prosecution to establish that the element of voluntariness on the part of the victim be absolutely lacking. The prosecution must prove that force or intimidation was actually employed by accused upon his victim to achieve his end. Failure to do so is fatal to its cause."<sup>30</sup>

Convincingly, AAA narrated that accused-appellant had carnal knowledge of her, against her will, on 15 December 2005, viz:

Q. Now, when you returned the P50.00 extra amount to Pedro Rupal, what happened next?

A. He pulled me.

Q. Who pulled you?

A. Pedro Rupal.

Q. What happened when he pulled you?

A. The handle of my bag was severed.

x x x

Q. And what happened after the handle of your bag was severed because it was pulled by Pedro?

A. He pulled me towards the coconut plantation.

Q. And what happened next?

A. He pushed me.

<sup>27</sup> Article 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;  
b) When the offended party is deprived of reason or otherwise unconscious;  
c) By means of fraudulent machination or grave abuse of authority; and  
d) When the offended party is under twelve (12) years of age or is demented, even though none of the circumstances mentioned above be present.

<sup>28</sup> *People v. Empuesto*, G.R. No. 218246, 17 January 2018.

<sup>29</sup> *People v. Corpuz*, G.R. No. 208013, 3 July 2017.

<sup>30</sup> *People v. Tionloc*, G.R. No. 212193, 15 February 2017.

- Q. So what happened to you when he pushed you?  
A. I fell down and he held me.
- Q. After he held you what happened next?  
A. He abused me.
- Q. When you said he abused you, what did he do at that time?  
A. He made a push and pull movement on me.
- Q. What was the position of both of you when he made that push and pull movement?  
A. He was on top of me.
- Q. Were you lying down or standing up?  
A. Lying down.
- Q. Where did you lie down?  
A. In the bushes.
- Q. At that time when Pedro made a push and pull movement on you on that position, were you wearing still your dress?  
A. Yes, my dress was still on but I have no panty anymore.
- Q. What were the clothes you were wearing at that time, was it a whole dress or a blouse and skirt?  
A. I was wearing the school uniform, a blouse and a skirt.
- Q. Now, what was the position of your skirt at that time when Pedro made a push and pull movement on you while you were in that position – he was on top of you and you were lying on the ground?  
A. It was raised.
- Q. When he made that push and pull movement, did you feel a pain on any part of your body?  
A. Yes.
- Q. Which part of your body felt pain?  
A. My vagina.
- Q. Why is it that you felt pain in your vagina?  
A. Because it seems something was pushed in my vagina.
- Q. Did you know what was that something that was being pushed in your vagina?  
A. Yes.
- Q. What was that something that was pushed towards your vagina?  
A. His penis.
- x x x
- Q. You said earlier that when the accused made a push and pull movement on you in that position you have no more panty and your skirt was raised, why, what happened to your panty, where was your panty?  
A. Maybe it was pulled by him.
- Q. And who raised your skirt?





A. Pedro.

Q. Could you give us an estimate of the duration of time when Pedro made that push and pull movement on you while you were on that position, as to how many minutes or seconds?

A. I think for five (5) minutes.

x x x

Q. Aside from making a push and pull movement of his penis on your vagina at that time, AAA, what else did Pedro do on you at that time?

A. He kissed me.

Q. Where did he kiss you?

A. My lips.

Q. Aside from kissing your lips what else did he do to you?

A. He touched my breasts.

x x x

Q. What did Pedro tell you after that?

A. I must not tell my mother.

Q. Why, what if you tell your mother?

A. That according to him he is going to kill my mother and my brothers.<sup>31</sup>

Accused-appellant denigrates AAA's testimony as against human experience saying, albeit he was not armed when he allegedly dragged her to the coconut plantation, she only cried instead of physically resisting him or shouting for help. Moreover, he claimed that it was not shown that he threatened AAA from the waiting shed until the alleged rape was consummated.<sup>32</sup>

In any rape case, the law does not impose a burden on the rape victim to prove resistance because it is not an element of rape.<sup>33</sup> That AAA did not offer any resistance to accused-appellant or did not shout for help does not find that she voluntarily submitted to his hideous acts considering that there is no uniform behavior that can be expected from those who had the misfortune of being sexually molested.<sup>34</sup> It is important to state the enlightened teaching that the workings of the human mind placed under emotional stress are unpredictable, and people react differently: some may shout, others may faint, and still others may be shocked into insensibility even if there may be a few who may openly welcome the intrusion.<sup>35</sup>



<sup>31</sup> TSN, 27 October 2006, pp. 8-14.

<sup>32</sup> CA rollo, p. 32.

<sup>33</sup> *People v. Palanay*, G.R. No. 224583, 1 February 2017.

<sup>34</sup> *People v. Descartin*, G.R. No. 215195, 7 June 2017.

<sup>35</sup> *People v. Empuesto*, supra note 28.

The absence of any threat to AAA from accused-appellant at the waiting shed does not disprove the fact that he had carnal knowledge of her. It will be noted that pursuant to Art. 266-A of the RPC, rape is committed when a man has carnal knowledge of a woman either through force, or threat, or intimidation, among other circumstances. Thus, proof that the offense was committed either through any of the three means, i.e., force, threat, or intimidation, will suffice to warrant a conviction as long as this is satisfactorily proven by the prosecution.

“Force, as an element of rape, must be sufficient to consummate the purposes which the accused had in mind. On the other hand, intimidation must produce fear that if the victim does not yield to the bestial demands of the accused, something would happen to her at that moment or even thereafter as when she is threatened with death if she reports the incident.”<sup>36</sup> In this case, AAA was able to credibly narrate that it was through force that accused-appellant was able to carry out his evil desire by dragging her from the shed to the coconut plantation and there pushing her to the ground to abuse her. In the same vein, the circumstance of intimidation was demonstrated by accused-appellant’s threat that he would kill her mother and her siblings once she revealed to BBB what he did to her.

Accused-appellant fustigates the alleged disturbing and contradicting claims of AAA that she was repeatedly raped by him since she was nine years old until she reached thirteen, yet, she had intimated to BBB that she was raped only twice.<sup>37</sup>

Noteworthy, whether AAA was raped twice or for several more times by accused-appellant is immaterial to this case considering that this is neither an issue nor a material element for the successful prosecution of the offense of rape. Notwithstanding this, the Court is convinced by the CA’s findings on the alleged inconsistency as to the number of times AAA had been raped by accused-appellant, viz:

x x x It is eminently probable that at the time AAA was confronted by her mother on January 2, 2006, she was in state of disarray and confusion. She was possibly perplexed on what to do and on what to say to her mother as she was afraid that the accused-appellant might carry out his prior threats to kill her mother and siblings. Such threats, gravely intimidating and instilling tremendous fear in her young and fragile mind, probably caused AAA to disclose to her mother that she was raped only twice. However, during the trial proper, knowing that she and her family could no longer be harmed by the accused-appellant, took courage and narrated that the sexual assaults occurred even before when she was only nine years of age.<sup>38</sup>



<sup>36</sup> *People v. Tionloc*, supra note 30.

<sup>37</sup> *CA rollo*, p.33.

<sup>38</sup> *Id.* p. 91.

Apparently, that same degree of courage manifested by AAA before the trial court when she claimed that she was raped several times by accused-appellant was previously exhibited before the police station when she filed her complaint against him, viz:

x x x

Q. Why are you here before the office of Trinidad police station x x x?

A. I am here to file a formal complaint against PEDRO RUPAL, my uncle for raping me.

Q. When and where did this happen?

A. The last incident was on December 15, 2005 at 1:00 in the afternoon more or less at the barangay YYY, ZZZ, Bohol particularly at the coconut plantation.

Q. How many times did this incident happen?

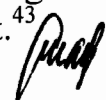
A. More than ten times.

Q. Can you please narrate the incident?

A. When I was 9 years old, he (Pedro Rupal) raped me at the kitchen of our neighbor and uttered some threatening words saying that he would kill my mother, brothers, and sisters if I reveal or report what he did to me. So I decided not to report to anybody about the incident. That the evil desire of my uncle was repeated more than ten times but the last incident happened on December 15, 2005 in the morning the same date at barangay YYY, ZZZ, Bohol where I am studying.<sup>39</sup>

Likewise, feeling that she was already safe and protected by the authorities, AAA thereafter confided to Dr. Auza that she was raped several times starting when she was nine years old.<sup>40</sup>

To stress, inconsistencies on minor details and collateral matters do not affect the substance, truth, or weight of the victim's testimonies.<sup>41</sup> Even granting that there were inconsistencies in AAA's claim as to the number of times accused-appellant had carnal knowledge of her, jurisprudence instructs that "when the offended party is of tender age and immature, courts are inclined to give credit to her account of what transpired, considering not only her relative vulnerability but also the shame to which she would be exposed if the matter to which she testified is not true. Youth and immaturity are generally badges of truth and sincerity."<sup>42</sup> Courts generally give leeway to minor witnesses when relating traumatic incidents of the past.<sup>43</sup>



<sup>39</sup> Records, p. 8, Exh. "A."

<sup>40</sup> Id. p. 8-9, Exhs. "A" & "B."

<sup>41</sup> *People v. Entrampas*, G.R. No. 212161, 29 March 2017.

<sup>42</sup> *People v. Descartin*, supra note 34.

<sup>43</sup> *People v. Divinagracia*, G.R. No. 207765, 26 July 2017.

Accused-appellant futilely asserts that what further taints AAA's credibility was that, despite her claim that he had carnal knowledge of her for several times, only one case of rape was filed against him.<sup>44</sup>

Accused-appellant failed to consider that the established rule is that it is the task of the prosecutor, and not the victim, to file a criminal case before the court. Moreover, the fact that there was only one case filed against accused-appellant cannot translate to a finding that he did not have carnal knowledge of AAA on 15 December 2005, especially considering that the evidence on record firmly established the elements of the offense as proven by the prosecution.

Significantly, AAA's testimony that she was raped finds support in Dr. Auza's medical findings that the lacerations in AAA's vaginal opening could have been caused by the forcible entry of a hard object, possibly a male genitalia, and that her hymen was no longer intact.<sup>45</sup> It is emphasized that when a rape victim's allegation is corroborated by a physician's finding of penetration, "there is sufficient foundation to conclude the existence of the essential requisite of carnal knowledge."<sup>46</sup> Such medico-legal findings bolster the prosecution's testimonial evidence. Together, these pieces of evidence produce a moral certainty that the accused-appellant indeed raped the victim.<sup>47</sup> The "[p]hysical evidence is evidence of the highest order. It speaks more eloquently than a hundred witnesses."<sup>48</sup> Moreover, a young girl's revelation that she had been raped, coupled with her voluntary submission to medical examination and willingness to undergo public trial where she could be compelled to give out the details of an assault on her dignity, cannot be so easily dismissed as mere concoction.<sup>49</sup>

The legal teaching trenchantly maintained in our jurisprudence is that when the decision hinges on the credibility of witnesses and their respective testimonies, the trial court's observations and conclusions deserve great respect and are accorded finality, unless the records show facts or circumstances of material weight and substance that the lower court overlooked, misunderstood or misappreciated and which, if properly considered, would alter the result of the case.<sup>50</sup> The Court explained the reason for this teaching as follows:

x x x The trial judge has the advantage of observing the witness' deportment and manner of testifying. x x x The trial judge, therefore, can better determine if witnesses are telling the truth, being in the ideal position to weigh conflicting testimonies. Unless certain facts of substance and value were overlooked which, if considered, might affect the result of the case, its assessment must be respected for it had the opportunity to observe the conduct and demeanor of the witnesses while testifying and

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<sup>44</sup> CA rollo, p.33.

<sup>45</sup> TSN, 25 October 2011, p.5.

<sup>46</sup> *People v. Divinagracia*, supra note 43.

<sup>47</sup> *People v. Deniega*, G.R. No. 212201, 28 June 2017.

<sup>48</sup> *People v. Francica*, G.R. No. 208625, 6 September 2017.

<sup>49</sup> *People v. Pacayra*, G.R. No. 216987, 5 June 2017.

<sup>50</sup> *People v. Gaa*, G.R. No. 212934, 7 June 2017.



detect if they were lying. The rule finds an even more stringent application where said findings are sustained by the Court of Appeals.<sup>51</sup>

It must be stressed that the Court had conscientiously observed in this case the three principles that had consistently guided it in reviewing rape cases, viz: (a) an accusation of rape can be made with facility, and while the accusation is difficult to prove, it is even more difficult for the person accused, although innocent, to disprove; (b) considering the intrinsic nature of the crime, only two persons being usually involved, the testimony of the complainant should be scrutinized with great caution; and (c) the evidence for the prosecution must stand or fall on its own merit, and cannot be allowed to draw strength from the weakness of the evidence for the defense; but found nothing to depart from the ruling of the trial court that AAA's testimony was credible and straightforward, especially that this was sustained by the CA. "In rape cases, the credibility of the victim is almost always the single most important issue. If the testimony of the victim passes the test of credibility, which means it is credible, natural, convincing and consistent with human nature and the normal course of things, the accused may be convicted solely on that basis."<sup>52</sup> On the one hand, records will confirm that the accused-appellant miserably failed to show in his appeal that the RTC and the CA overlooked a material fact that would have changed the outcome of the case or misunderstood a circumstance of consequence in their evaluation of AAA's credibility.

***The defenses of denial and alibi of the accused-appellant were weak.***

To extricate himself from liability, accused-appellant proffers the defense that during the time material to the case he was fetching water from the well and that thereafter he stayed home.

Nothing is more settled in criminal law jurisprudence than that alibi and denial cannot prevail over the positive and categorical testimony and identification of the complainant.<sup>53</sup> For the defense of alibi to prosper, the accused must prove that he was somewhere else when the offense was committed and that he was so far away that it was not possible for him to have been physically present at the place of the crime or at its immediate vicinity at the time of its commission.<sup>54</sup> On the one hand, denial is an inherently weak defense and constitutes self-serving negative evidence, which cannot be accorded greater evidentiary weight than the positive declaration by a credible witness.<sup>55</sup>



<sup>51</sup> *People v. Bait*, G.R. No. 223102, 14 February 2018.

<sup>52</sup> *People v. Empuesto*, supra note 28.

<sup>53</sup> *People v. Descartin*, supra note 34.

<sup>54</sup> *People v. Palanay*, supra note 33.

<sup>55</sup> *People v. Udtohan*, G.R. No. 228887, 2 August 2017.

The Court takes note of the fact that, notwithstanding the grave charge against accused-appellant, not one of his children took the witness stand to fortify his defense that he was at home the whole day of 15 December 2005. Likewise, despite accused-appellant's claim that there were several people who saw him fetching water from the well in the afternoon of that day,<sup>56</sup> not one of them testified to reinforce his claim. Clearly, petitioner's alibi easily crumbled in the absence of any evidence to prove that it was improbable for him to be at the scene of the crime.

In his hopeless effort to prove the implausibility that he had carnal knowledge of AAA, he asserts that he saw her only after 15 December 2005.<sup>57</sup> AAA was the niece of accused-appellant, she being the daughter of his wife's sister.<sup>58</sup> Additionally, accused-appellant admitted that he had been residing in Bohol since 1975 and that his nearest neighbor was AAA's family.<sup>59</sup> More significant is accused-appellant's acknowledgement that his daughter and AAA were classmates and friends, and they went to school and back to their respective homes together.<sup>60</sup> These facts, confirmed by accused-appellant, himself, compellingly demolish his incredible assertion that he could not have committed the offense charged because he saw AAA only after 15 December 2005.

Accused-appellant's averment that the instant case was filed against him because of the conflict between his wife and BBB<sup>61</sup> likewise fails to convince.

It was incredible that BBB would allow AAA to report to the authorities, submit to medical examination, and undergo a humiliating public trial anchored on an allegedly trumped-up charge if her sole purpose was to get even with her sister. The Court takes note of the fact that based on the testimony of the accused-appellant, it was BBB who started the alleged feud with DDD when BBB called DDD's daughter a prostitute. Since BBB had already offended the accused-appellant's family, it was incredible that she would be on the offensive again by making it appear that accused-appellant had carnal knowledge of AAA. For sure, what convinces the Court of the speciousness of the alleged conflict between BBB and her sister was AAA's credible narration of the horrid details on what happened on 15 December 2005, which she could have not known due to her tender age. Simply put, these details were known to AAA because these were the truth. Finding significance here is the jurisprudence that alleged motives of family feuds, resentment or revenge are not uncommon defenses, and have never swayed the Court from lending full credence to the testimony of a complainant who remains steadfast throughout direct and cross-examinations, especially a minor, as in this case.<sup>62</sup>

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<sup>56</sup> TSN, 8 March 2012, p. 10-11.

<sup>57</sup> Id. pp. 14-15.

<sup>58</sup> Id. p.2.

<sup>59</sup> Id.

<sup>60</sup> Id. p. 15.

<sup>61</sup> Id. p. 8.

<sup>62</sup> *People v. Pacayra*, supra note 49.

***The penalty and the award of damages***

Under Art. 266-B of R.A. No. 8353, the penalty of *reclusion perpetua* shall be imposed upon the accused who has carnal knowledge of a woman through force, threat or intimidation.


Following the Court's pronouncement in *People v. Jugueta*,<sup>63</sup> the accused-appellant shall likewise be liable to pay AAA the following: civil indemnity of ₱75,000.00, moral damages of ₱75,000.00, and exemplary damages of ₱75,000.00, with interest at the rate of 6% per annum reckoned from the finality of this decision until full payment.

**WHEREFORE**, the appeal is **DISMISSED**. Accused-appellant Pedro Rupal is hereby found **GUILTY** of Rape under Art. 266-A of R.A. No. 8353 and is sentenced to suffer the penalty of *reclusion perpetua*. He shall be held liable to pay AAA civil indemnity of ₱75,000.00, moral damages of ₱75,000.00, and exemplary damages of ₱75,000.00, with interest at the rate of six percent (6%) per annum reckoned from the finality of this decision until full payment.

**SO ORDERED.**

  
SAMUEL R. MARTIRES  
Associate Justice

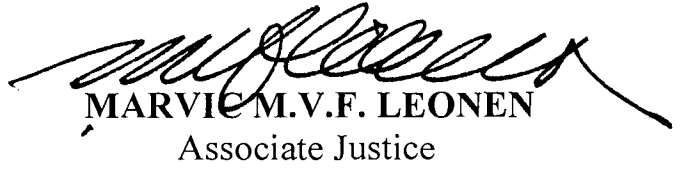
**WE CONCUR:**

  
PRESBITERO J. VELASCO, JR.  
Associate Justice  
Chairperson

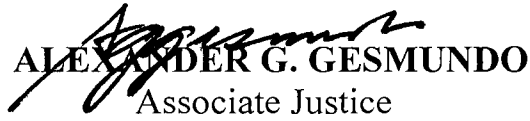
<sup>63</sup> 783 Phil. 806, 849 (2016).



**LUCAS P. BERSAMIN**  
Associate Justice



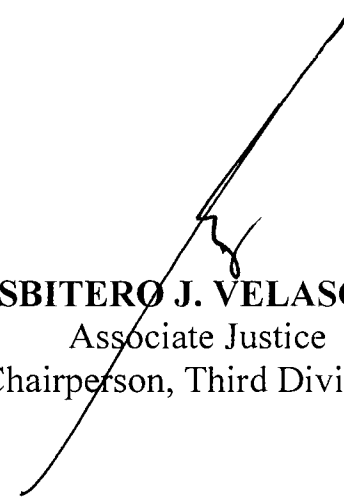
**MARVIC M.V.F. LEONEN**  
Associate Justice



**ALEXANDER G. GESMUNDO**  
Associate Justice

**ATTESTATION**


I attest 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.



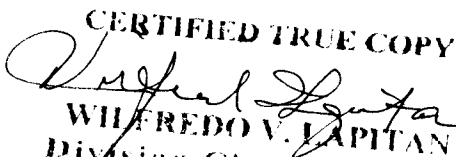
**PRESBITERO J. VELASCO, JR.**  
Associate Justice  
Chairperson, Third Division

**CERTIFICATION**

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



**ANTONIO T. CARPIO**  
Senior Associate Justice  
(Per Section 12, R.A. 296,  
The Judiciary Act of 1948, as amended)

**CERTIFIED TRUE COPY**  
  
**WILFREDO V. LAPITAN**  
 Division Clerk of Court  
 Third Division  
 JUL 23 2018