



Republic of the Philippines
Supreme Court
 Manila

SUPREME COURT OF THE PHILIPPINES
 PUBLIC INFORMATION OFFICE

RECORDED
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FIRST DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff-Appellee,

G.R. No. 215200

Present:

- versus -

SERENO, *C.J., Chairperson,*
 LEONARDO-DE CASTRO,
 DEL CASTILLO,
 PERLAS-BERNABE, *and*
 CAGUIOA, *JJ.*

NOMERTO NAPOLES y BAJAS,
Accused-Appellant.

Promulgated:

JUL 26 2017

X ----- X

RESOLUTION

DEL CASTILLO, J.:

This is an appeal from the Decision¹ dated March 19, 2014 of the Court of Appeals (CA) in CA-G.R. CR-HC No. 05565 affirming the Decision² dated February 9, 2012 of the Regional Trial Court (RTC) of Labo, Camarines Norte, Branch 64, in Criminal Case Nos. 02-0881, 03-1029 to 03-1033, finding Nomerto Napoles y Bajas (appellant) guilty beyond reasonable doubt of the crime of rape (six counts).

Version of the Prosecution

“AAA” was 19 years old when her stepfather, herein appellant, began raping her in November 2000. Appellant raped “AAA” six times, once every month, from November 2000 to April 2001.

“AAA” recounted her ordeal at the hands of appellant as follows:

Sometime in November 2000, while at home and listening to a radio program, appellant suddenly grabbed her by the arm, covered her mouth and

¹ CA rollo, pp. 119-129; penned by Associate Justice Francisco P. Acosta and concurred in by Associate Justices Fernanda Lampas Peralta and Myra V. Garcia-Fernandez.
² Records (Crim. Case No. 02-881), pp. 145-157; penned by Presiding Judge Rolando De Lemios Bobis.

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poked her with a knife. She tried to get away but appellant punched her stomach and pushed her to the bed. While “AAA’s” hands were tied over her head, appellant started to undress her, placed himself on top of “AAA” and inserted his penis into her vagina.

Sometime in December 2000, while “AAA” was sleeping alone in the bedroom, appellant, armed with a knife, entered the bedroom, covered her mouth, removed her shorts and panty and inserted his penis into her vagina. Appellant told “AAA” not to shout and threatened to kill her and her mother.

Sometime the following month, January 2001, while “AAA” was in the kitchen heating water, she noticed that somebody had closed the door in the living room. Upon checking it out, she saw appellant holding a bolo. After undressing “AAA,” appellant removed his shorts, grabbed her and laid her on the floor. Appellant then inserted his penis into her vagina. All the while, appellant pointed his bolo to her and threatened to kill her if she shouted.

Again, sometime in February 2001, after appellant and “AAA’s” mother left the house, the former returned and instructed “AAA” to open the kitchen door. Suddenly, appellant held “AAA’s” neck and told her she would be killed if she would not give in. Appellant pinned “AAA” to the wall (*pinasandal po ako sa dinding*) and undressed her. After appellant removed his short pants, he inserted his penis into her vagina.

Her ordeal was repeated in March 2001. While “AAA” was cleaning their house, appellant suddenly grabbed her. He removed “AAA’s” short pants and panty and after undressing himself, he inserted his penis into her vagina. Appellant threatened to kill her siblings if others would learn of what happened.

During the last incident sometime in April 2001, while “AAA” had just finished washing the dishes, appellant suddenly pulled “AAA” telling her, “*sige gumalaw ka at humiyaw ka at papatayin kita.*” He pinned “AAA” against the wall and undressed her. Appellant also removed his short pants; while standing, he spread “AAA’s” legs and inserted his penis into her vagina.

Dr. Virginia B. Mazo, the PNP Medico-Legal Officer of Labo, Camarines Norte, examined “AAA” and issued a medico-legal examination report.³ She testified, *inter alia*, that there is no evident sign of extragenital physical injury at the time of examination but was positive of signs of

³ Exhibit “A,” id. at 9.

pregnancy; that the victim had successive penetrations because of the old healed lacerations of hymen due to constant use or possible sexual intercourses; that the victim's uterus is compatible to a 38-week age of gestation, thus she was already pregnant at the time of examination and that the victim was impregnated during the rape incidents.

As a result of her stepfather's molestation, "AAA" became pregnant and delivered a baby girl on November 11, 2001.

Accordingly, appellant was charged with six counts of rape before the Regional Trial Court of Labo, Camarines Norte, Branch 64.

Version of the Defense

In his defense, appellant denied having raped "AAA" during the months of November and December 2000. He proffered that he was either away from home or that family members were at home. However he admitted having sexual intercourse with "AAA" sometime in January, February, March and April 2001 but claimed that the same were consensual.

Ruling of the Regional Trial Court

On February 9, 2012, the RTC rendered its Decision finding appellant guilty beyond reasonable doubt of six counts of rape and sentencing him for each count to suffer the penalty of *reclusion perpetua*. He was also ordered to pay "AAA" the amounts of ₱50,000.00 as moral damages and ₱25,000.00 as exemplary damages for each offense.

Ruling of the Court of Appeals

On appeal, the CA affirmed the RTC Decision. Thus:

WHEREFORE, premises considered, the instant Appeal is DENIED. The assailed Decision of the Regional Trial Court of Labo, Camarines Norte, Branch 64 dated 9 February 2012 in Criminal Cases Nos. 02-0881, 03-1029 up to 03-1033 is hereby AFFIRMED in toto.

SO ORDERED.⁴



⁴ CA rollo, p. 128.

Undeterred, appellant is now before this Court *via* the present appeal to gain a reversal of his conviction based on the lone assigned error that:

The trial court gravely erred in finding the accused-appellant guilty beyond reasonable doubt of the crimes charged.⁵

Our Ruling

The appeal lacks merit.

Essentially, the arguments of appellant, as premised in his Appellant Brief, boil down to the issue of credibility. The oft-repeated rule is that “the determination by the trial court of the credibility of the witnesses when affirmed by the appellate court, is accorded full weight and credit as well as great respect, if not conclusive effect and that findings of the trial courts which are factual in nature and which involve credibility are accorded respect when no glaring errors[,] gross misapprehension of facts[,] or speculative, arbitrary and unsupported conclusions can be gathered from such findings.”⁶

Upon perusal of the records of the case, we see no reason to reverse or modify the findings of the RTC as affirmed by the CA on the credibility of the testimony of the victim “AAA.”

In his bid for acquittal, appellant contends that from the testimony of “AAA,” there was no showing that she defended her honor and dignity with utmost courage and determination. He avers that “AAA’s” silence and lack of showing of any outrage place her story in grievous doubt.

Appellant’s arguments deserve scant consideration. The Court has declared repeatedly that “failure to shout or offer tenacious resistance does not make voluntary the victim’s submission to the perpetrator’s lust. Besides, physical resistance is not an element of rape.”⁷ Moreover, a rape victim is oftentimes controlled by fear rather than reason. The use of a knife and bolo and the threat of death posed by appellant constituted sufficient force and intimidation to cow “AAA” into submission. Furthermore, appellant, who is “AAA’s” stepfather, undoubtedly exerted a strong moral influence over “AAA,” which may even substitute for actual physical violence and intimidation.

⁵ Id. at 33.

⁶ *People v. Amarillo*, 692 Phil. 698, 711 (2012).

⁷ *People v. Rubio*, 683 Phil. 714, 726 (2012).

Appellant further maintains that he and “AAA” have a romantic relationship. He proffers the “sweetheart theory” as a defense. In *People v. Bayrante*⁸ the Court “has decreed that even if the alleged romantic relationship were true, this fact does not necessarily negate rape for a man cannot demand sexual gratification from a fiancée and worse, employ violence upon her on the pretext of love because love is not a license for lust.”

In light of appellant’s positive identification by “AAA” that he raped her on the alleged dates which assertion was corroborated by Dr. Virginia B. Mazo’s Medical findings, the denial of appellant must fail.

The elements necessary to sustain a conviction for rape are: (1) that the accused had carnal knowledge of the victim; and (2) that said act was accomplished (a) through the use of force or intimidation or (b) when the victim is deprived of reason or otherwise unconscious or (c) when the victim is under 12 years of age or demented.⁹ It is apparent from the records of this case that appellant had carnal knowledge of “AAA” because his penis penetrated her vagina. That the carnal knowledge was accomplished through force and intimidation was likewise established in view of “AAA’s” straightforward testimony that she was threatened with death; furthermore, he used a bolo and knife, as well as physical violence to accomplish his bestial acts.

All told, we find no compelling reason to doubt the veracity of and deviate from the findings of the RTC as affirmed by the CA. We agree that the prosecution, with testimonial and medical evidence, effectively discharged its burden of proving appellant’s guilt beyond reasonable doubt.

The Penalty and Civil Liability

Rape, as defined and penalized under paragraph 1 of Article 226-A in relation to Article 266-B of the Revised Penal Code, as amended, is punishable by *reclusion perpetua*. Consequently, the penalty of *reclusion perpetua* imposed for each count by the RTC and affirmed by the CA is proper.

However, the monetary awards must be modified to conform to present jurisprudence.¹⁰ As modified, appellant is ordered to pay “AAA” the amounts of ₱75,000.00 as civil indemnity; ₱75,000.00 as moral damages

⁸ 687 Phil. 416, 435 (2012).

⁹ *People v. Delabajan*, 685 Phil. 236, 241 (2012).

¹⁰ *People v. Jugueta*, G.R. No. 202124, April 5, 2016, 788 SCRA 331, 383.

and ₱75,000.00 as exemplary damages, with interest of 6% *per annum* on all the damages awarded from the date of finality of this Resolution until fully paid.

WHEREFORE, the assailed March 19, 2014 Decision of the Court of Appeals in CA-G.R. CR-HC No. 05565 finding appellant Nomerto Napoles y Bajas **GUILTY** beyond reasonable doubt of six counts of rape and sentencing him to suffer the penalty of *reclusion perpetua* for each count is **AFFIRMED with MODIFICATIONS** in that appellant is ordered to pay the amount of ₱75,000.00 as civil indemnity for each count; the award of moral damages and exemplary damages are increased to ₱75,000.00 respectively for each count, and interest at the rate of 6% *per annum* is imposed on all damages awarded from date of finality of this Resolution until full payment.

SO ORDERED.

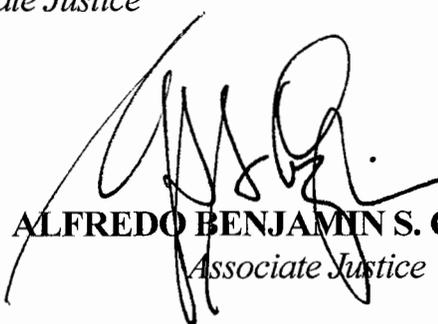

MARIANO C. DEL CASTILLO
Associate Justice

WE CONCUR:


MARIA LOURDES P. A. SERENO
Chief Justice
Chairperson


TERESITA J. LEONARDO-DE CASTRO
Associate Justice


ESTELA M. PERLAS-BERNABE
Associate Justice


ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, I certify that the conclusions in the above Resolution had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.


MARIA LOURDES P. A. SERENO
Chief Justice

