



Republic of the Philippines  
**Supreme Court**  
 Manila

CERTIFIED TRUE COPY

*Wilfredo V. Lapitan*  
 WILFREDO V. LAPITAN  
 Division Clerk of Court  
 Third Division

OCT 04 2017

**THIRD DIVISION**

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

**G.R. No. 214762**

Present:

- versus -

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

**ROMMEL RONQUILLO,**  
 Accused-Appellant.

Promulgated:

September 20, 2017

*Wilfredo V. Lapitan*

X ----- X

**DECISION**

**MARTIRES, J.:**

“I don’t even know her” is the usual excuse of a rapist who expects a reprieve from conviction, as if knowing the victim is a precondition to carnal desire. And while abhorrent in all instances, lust manifested through rape is especially reprehensible when committed against a child. Thus, our law on statutory rape demands only the requisite proof of the victim’s age and of carnal knowledge with the accused to sustain his conviction.

For review is the Decision<sup>1</sup> dated 11 November 2013 of the Court of Appeals (CA) in CA-G.R. CR-H.C. No. 05077 affirming the Decision<sup>2</sup> dated 23 November 2010 of the Regional Trial Court (RTC) of Angeles City, Branch 60, in Criminal Case No. 01-817, finding accused-appellant Rommel Ronquillo guilty of statutory rape under Article 266-A in relation to Article

\* On Official Leave.

<sup>1</sup> Rollo, pp. 2-18; penned by Associate Justice Zenaida T. Galapate-Laguilles, and concurred in by Associate Justices Marlene Gonzales-Sison and Amy C. Lazaro-Javier.

<sup>2</sup> Records, pp. 407-422.

*Paul*

266-B of the Revised Penal Code (*RPC*), as amended by Republic Act (*R.A.*) No. 8353.

Consistent with prevailing jurisprudence,<sup>3</sup> the real name and identity of the victim in this case is withheld and fictitious initials are used to represent her. In this regard, the rape victim is referred to as “AAA.”

### THE FACTS

On 15 November 2001, accused-appellant was charged with statutory rape before the RTC. The accusatory portion of the Information reads:

That on or about the 4<sup>th</sup> day of October 2001, in the Municipality of x x x, Province of x x x Philippines and within the jurisdiction of this Honorable Court, the above-named accused Rommel Ronquillo, did then and there wilfully, unlawfully and feloniously, with lewd design, by means of force, threat and intimidation, have carnal knowledge with “C,”<sup>4</sup> eleven (11) years old, a minor, by then and there inserting his penis into her vagina, against the latter’s will and consent.<sup>5</sup>

On 9 August 2002, accused-appellant was arraigned and he pleaded not guilty. Thereafter, trial ensued with the prosecution presenting the testimonies of AAA and Dr. Stella Guerrero-Manalo (*Dr. Guerrero-Manalo*) of the Child Protection Unit of the University of the Philippines-Philippine General Hospital (*UP-PGH*) in Manila. The defense, on the other hand, presented the lone testimony of accused-appellant.

#### *Version of the Prosecution*

On 3 October 2001, at about 5:00 o’clock in the afternoon, AAA, then eleven (11) years old, watched, with her friend Minia Antigo (*Minia*), an amateur singing contest held at the basketball court of Barangay XXX. When AAA and Minia parted ways at around 12:00 o’clock midnight, AAA proceeded to the house of her other friend, Jenny Sanchez (*Jenny*), as they had agreed that she would spend the night at Jenny’s house. While about to cross the road towards Jenny’s house, AAA noticed accused-appellant standing at a nearby waiting shed, fanning himself with a handkerchief and looking at her. AAA was familiar with accused-appellant because the latter had chased her several times, asking for her name, when AAA was still studying at an elementary school in her barangay. Accused-appellant then approached AAA, telling her that he would accompany her. AAA did not

<sup>3</sup> *People v. Cabalquinto*, 533 Phil. 703 (2006).

<sup>4</sup> While the Information refers to the minor using the initial “C,” this decision designates said minor as “AAA” consistent with prevailing jurisprudence.

<sup>5</sup> Records, p. 2.

respond, prompting accused-appellant to follow her and ask where she was going. When AAA did not reply, he asked if she wanted him to escort her on her way home. AAA refused the offer and proceeded to Jenny's house. When she looked back at accused-appellant, she saw him return to the waiting shed.

After reaching Jenny's house, AAA waited for an hour for Jenny to come out; but Jenny did not awake, so she decided to head home. While walking home, she noticed that someone was following her. When she looked back, a man poked a gun at her and pushed her against a wall. AAA fought back and tried to wrestle the gun away from her attacker. She tried to shout, but the man choked her. The man then cocked his gun and told her to calm down, follow him, or he would shoot her. Afraid that the man would kill her, AAA told him that she would follow all his orders.

Thereafter, the attacker brought AAA to an isolated place and pressed her against a wall. The man then told her to remove her shorts and panty and to raise her blouse up to her head so that she would not be able to see him. Then he started kissing AAA all over her body and then told her to lie down. He parted her thighs, inserted his penis into her vagina, and made push and pull movements. AAA felt intense pain and cried. While she was being raped, AAA's hands were tucked inside her shirt which was raised over her head to prevent her from recognizing the rapist. Her attacker, on the other hand, had covered his face with a red handkerchief.

Shortly, the man let AAA up and told her to get dressed. While the man himself was getting dressed, AAA noticed that the *maong* pants he was wearing were the same pants she saw worn by accused-appellant at the waiting shed earlier. She also recognized accused-appellant as her attacker when the red handkerchief covering his face fell off. AAA then rushed home and related the rape incident to her parents, who immediately reported it to the authorities.

On 5 October 2001, AAA was brought to the UP-PGH Child Protection Unit for medical examination. Dr. Guerrero-Manalo then issued a Provisional Medico-Legal Report, which showed that "physical findings of genital area are definitive for recent penetrating injury."<sup>6</sup>

Dr. Guerrero-Manalo testified that she observed some fresh lacerations on AAA's external genitalia which could have been inflicted within twenty-four (24) to seventy-two (72) hours prior to her examination. Further, she said she also found fresh lacerations at 6 o'clock position on

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<sup>6</sup> Rollo, pp. 6-7; records, p.19.



AAA's hymen, consistent with a recent penetration injury caused by a pointed object or a penis.<sup>7</sup>

### *Version of the Defense*

Accused-appellant claimed that on 3 October 2001, he attended a barrio fiesta at Barangay XXX, with six (6) friends. He and his friends sang at a videoke in a carnival and later watched an amateur singing contest at the basketball court. In both instances, accused-appellant saw AAA for short periods.<sup>8</sup> However, he claimed not to have known her name until the time he was charged in court.<sup>9</sup>

### **The RTC Ruling**

In its 23 November 2010 Decision,<sup>10</sup> the RTC found accused-appellant guilty beyond reasonable doubt of the crime of statutory rape. Accordingly, the trial court sentenced him to suffer the penalty of *reclusion perpetua* and to pay a fine of ₱75,000.00 as civil indemnity and another ₱75,000.00 as moral damages.<sup>11</sup>

The RTC held that AAA gave a detailed and credible narration of the incident, which positively identified the accused-appellant as the perpetrator and sufficiently established that the crime of rape was committed against her. The RTC further ruled that this prevails over the bare denial of accused-appellant. It also gave credence to the medical findings of Dr. Guerrero-Manalo, which confirmed that AAA was physically and sexually violated.

Aggrieved, accused-appellant appealed before the CA.

### **The CA Ruling**

In its 11 November 2013 Decision,<sup>12</sup> the CA affirmed the conviction of the accused-appellant with modification as to the award of damages. It reduced the amount of civil indemnity and moral damages to ₱50,000.00, but it ordered the additional award of ₱30,000.00 as exemplary damages, as well as the imposition of interest at the legal rate of six percent (6%) from the date of finality of the decision until fully paid.<sup>13</sup> The CA held that accused-appellant did not present any evidence to substantiate his alibi and

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<sup>7</sup> Id.

<sup>8</sup> Records, pp. 412-413.

<sup>9</sup> Id. at 413.

<sup>10</sup> Id. at 407-422.

<sup>11</sup> Id. at 422.

<sup>12</sup> *Rollo*, pp. 2-18.

<sup>13</sup> Id. at 17-18.

thus his defense of denial and alibi rests on shaky grounds, in stark contrast to the detailed declarations of AAA. It further held that there is sufficient foundation to conclude the existence of carnal knowledge since the victim's testimony is corroborated by the physician's finding of penetration.

Hence, this appeal.

### ISSUE

The essential issue for this Court's resolution is whether or not the accused-appellant's conviction should be upheld.

### THE COURT'S RULING

The Court finds no reason to deviate from the findings and conclusions of the RTC, as affirmed by the CA. However, the amount of damages awarded should be modified, consistent with prevailing jurisprudence.

***The prosecution was able to prove beyond reasonable doubt the existence of all the elements of statutory rape.***

The elements necessary in every prosecution for statutory rape are: (1) the offended party is under 12 years of age; and (2) the accused had carnal knowledge of the victim, regardless of whether there was force, threat, or intimidation or grave abuse of authority. It is enough that the age of the victim is proven and that there was sexual intercourse.<sup>14</sup>

In *People v. Arpon*,<sup>15</sup> citing *People v. Macafe*,<sup>16</sup> the Court explained that consent is immaterial, and force and intimidation are not necessary in every prosecution for statutory rape, viz:

Rape under paragraph 3 of [Article 335] is termed statutory rape as it departs from the usual modes of committing rape. **What the law punishes in statutory rape is carnal knowledge of a woman below twelve years old. Hence, force and intimidation are immaterial; the only subject of inquiry is the age of the woman and whether carnal knowledge took place.** The law presumes that the victim does not and cannot have a will of her own on account of her tender years; **the child's**



<sup>14</sup> *People v. Deliola*, G.R. No. 200157, 31 August 2016.

<sup>15</sup> 678 Phil. 752 (2011).

<sup>16</sup> 650 Phil. 580, 588 (2010).

**consent is immaterial because of her presumed incapacity to discern evil from good.**<sup>17</sup> (emphasis in the original and underlining supplied)

The requisite elements were proven in the present case. As to the first element, AAA's age at the time of the commission of the offense is uncontroverted. Her birth certificate, which was duly presented and offered in evidence, shows that she was born on 9 November 1989.<sup>18</sup> Thus, AAA was only 11 years and 11 months old at the time she was raped.

Accordingly, this Court only needs to contend with the sufficient establishment of the second element—that is, whether accused-appellant had carnal knowledge of the victim.

***Carnal knowledge was proven through AAA's categorical testimony, corroborated by medical findings.***

AAA rendered a detailed narration of her ordeal. As found by the RTC and affirmed by the CA, she recounted, in a steadfast and unequivocal manner,<sup>19</sup> the circumstances clearly showing that accused-appellant had carnal knowledge of her: (1) she was followed by a man while she was walking home from her friend's house; (2) the man thereafter pointed a gun at her and told her that he would shoot her if she did not follow his orders; (3) she agreed to follow his orders out of fear for her life; (4) she was taken to an isolated place, where she was ordered to remove her clothing and to cover her face with her blouse to conceal the assailant's face from her view; and (5) she felt her thighs being parted, where the assailant then inserted his penis into her vagina, causing her intense pain. AAA also positively identified accused-appellant as her assailant by recounting that after the commission of the rape, she noticed that her attacker was wearing the same *maong* pants that accused-appellant wore when she saw him earlier. She further confirmed his identity when the handkerchief he used to cover his face fell off, giving AAA a clearer glimpse of his face.<sup>20</sup>

AAA's testimony is sufficient to convict accused-appellant of statutory rape. The nature of the crime of rape often entails reliance on the lone, uncorroborated testimony of the victim, which is sufficient for a conviction, provided that such testimony is clear, convincing, and otherwise consistent with human nature.<sup>21</sup>



<sup>17</sup> *People v. Arpon*, supra note 15 at 773.

<sup>18</sup> Records, p. 236.

<sup>19</sup> *Rollo*, p. 10.

<sup>20</sup> Id. at 5.

<sup>21</sup> *People v. Olimba*, 645 Phil. 468, 480 (2010).

The trial court found AAA's testimony to be detailed, credible, and unwavering.<sup>22</sup> Jurisprudence is replete with cases where the Court ruled that "questions on the credibility of witnesses should best be addressed to the trial court because of its unique position to observe that elusive and incommunicable evidence of the witnesses' deportment on the stand while testifying which is denied to the appellate courts. x x x The rule is even more stringently applied if the appellate court has concurred with the trial court."<sup>23</sup> Here, both the RTC and the CA found AAA's testimony to be credible and convincing.

Nevertheless, the trial court's conviction resulted not only from AAA's testimony but was also based on the corroborative testimony of Dr. Guerrero-Manalo, who examined AAA after the commission of the rape. AAA's testimony relative to the sexual assault against her is consistent with Dr. Guerrero-Manalo's medical report and testimony that AAA's genitalia had some fresh lacerations which could have been inflicted by the penetration of a pointed object or a penis within twenty-four (24) to seventy-two (72) hours prior to examination.<sup>24</sup> Considering that it is undisputed that the incident happened on 3 October 2001 and the medical examination upon AAA was conducted on 5 October 2001, the fresh lacerations found, indicating penetration within the last 24 to 72 hours, were consistent with her testimony that she was raped on the said date. There is thus greater reason to believe the veracity of her statements, as to both the fact of rape and the identity of the assailant.

The Court has held that "hymenal lacerations, whether healed or fresh, are the best evidence of forcible defloration. And when the consistent and forthright testimony of a rape victim is consistent with medical findings, there is sufficient basis to warrant a conclusion that the essential requisites of carnal knowledge have been established."<sup>25</sup>

Accused-appellant attempts to cast aspersions on AAA's credibility and character by questioning her decision to stay out late at night by herself. Accused-appellant argues that no young Filipina would still be out alone on the streets in the middle of the night. He also questions AAA's failure to call out to her friend Jenny upon reaching the latter's house but, instead, chose to remain outside and do nothing.<sup>26</sup>

Accused-appellant's arguments are too flimsy to merit consideration. AAA's alleged series of unwise actuations on the night in question is an inconsequential matter that has no bearing on the elements of the crime of

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<sup>22</sup> Records, p. 419.

<sup>23</sup> *People v. Barcelá*, 734 Phil. 332, 342-343 (2014).

<sup>24</sup> *Rollo*, p. 7.

<sup>25</sup> *People v. Sabal*, 734 Phil. 742, 746 (2014), citing *People v. Perez* 595 Phil. 1232, 1258 (2008).

<sup>26</sup> *CA rollo*, p. 55.



statutory rape. The decisive factor in the prosecution of rape is whether its commission has been sufficiently proven.<sup>27</sup> As previously discussed, the prosecution sufficiently established that accused-appellant had carnal knowledge of AAA, who was only eleven (11) years old at the time of commission.

Moreover, the Court has explained that the testimonies of young rape victims deserve full credence, to wit:

This Court has held time and again that testimonies of rape victims who are young and immature deserve full credence, considering that no young woman, especially of tender age, would concoct a story of defloration, allow an examination of her private parts, and thereafter pervert herself by being subject to a public trial, if she was not motivated solely by the desire to obtain justice for the wrong committed against her. **Youth and immaturity are generally badges of truth. It is highly improbable that a girl of tender years, one not yet exposed to the ways of the world, would impute to any man a crime so serious as rape if what she claims is not true.**<sup>28</sup> (emphasis and underlining supplied)

Notably, accused-appellant did not even establish any ill motive that could have compelled private complainant to falsely accuse him of rape.

***Accused-appellant's defense of denial and alibi are inherently weak.***

It is well-settled that denial is an “intrinsically weak defense which must be supported by strong evidence of non-culpability to merit credibility.”<sup>29</sup> Alibi, on the other hand, is the “weakest of all defenses, for it is easy to contrive and difficult to disprove and for which reason it is generally rejected. For the alibi to prosper, it is imperative that the accused establishes two elements: (1) he was not at the *locus delicti* at the time the offense was committed; and (2) it was physically impossible for him to be at the scene at the time of its commission.”<sup>30</sup>

Accused-appellant was unable to establish any of the foregoing elements to substantiate his alibi. He merely claimed that he could not have committed the offense because he was asleep at his house, with his friends, at the time of the commission. This testimony is uncorroborated. For some reason, he did not even present any of the six (6) friends who he claimed were with him at the time of the incident in question. In contrast to AAA's

<sup>27</sup> *People v. Deliola*, supra note 14.

<sup>28</sup> *People v. Closa*, 740 Phil. 777, 785 (2014), citing *People v. Pangilinan*, 547 Phil. 260, 285-286 (2007).

<sup>29</sup> *People v. Deliola*, supra note 14.

<sup>30</sup> *Id.*

direct, positive, and categorical testimony, accused-appellant's testimony will not stand.

Based on the foregoing, it is clear that all the elements of statutory rape have been proven in the instant case. The conviction of accused-appellant must be upheld.

### ***Kinds and amount of damages***

In rape cases where the imposable penalty is *reclusion perpetua* to death, the Court generally awards three kinds of damages: civil indemnity, moral damages, and exemplary damages.<sup>31</sup>

Civil indemnity proceeds from Article 100 of the RPC, which states that "every person criminally liable is also civilly liable." Its award is mandatory upon a finding that rape has taken place.

Moral damages are awarded to "compensate one for manifold injuries such as physical suffering, mental anguish, serious anxiety, besmirched reputation, wounded feelings, and social humiliation. These damages must be understood to be in the concept of grants, not punitive or corrective in nature, calculated to compensate the claimant for the injury suffered."<sup>32</sup> In rape cases, once the fact of rape is duly established, moral damages are awarded to the victim without need of proof, in recognition that the victim necessarily suffered moral injuries from her ordeal.<sup>33</sup>

Finally, exemplary damages may be awarded against a person to punish him for his outrageous conduct. It serves to deter the wrongdoer and others like him from similar conduct in the future. The award of this kind of damages in criminal cases stems from Articles 2229<sup>34</sup> and 2230<sup>35</sup> of the Civil Code. While Article 2230 provides that they may be imposed when the crime was committed with one or more aggravating circumstances, the Court has held that being corrective in nature, exemplary damages can be awarded not only in the presence of aggravating circumstances but also where the circumstances of the case show the highly reprehensible conduct of the offender. In a number of cases, the Court 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>36</sup>

<sup>31</sup> *People v. Jugueta*, G.R. No. 202124, 5 April 2016, 788 SCRA 331, 357.

<sup>32</sup> *Id.*, citing *Del Mundo v. CA*, 310 Phil. 367, 376 (1995).

<sup>33</sup> *People v. Delabajan*, 685 Phil. 236, 245 (2012).

<sup>34</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>35</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>36</sup> *People v. Veloso*, 703 Phil. 541, 556 (2013).

In *People v. Jugueta*,<sup>37</sup> the Court addressed in detail the award of damages in criminal cases where the impossible penalty is *reclusion perpetua* to death. It held that “when the circumstances surrounding the crime call for the imposition of *reclusion perpetua* only, there being no ordinary aggravating circumstance, the Court rules that the proper amounts should be ₱75,000.00 as civil indemnity, ₱75,000.00 as moral damages, and ₱75,000.00 exemplary damages.”

Thus, the Court increases the award of civil indemnity, moral damages, and exemplary damages to ₱75,000.00. In line with current policy,<sup>38</sup> the Court also imposes interest at the legal rate of six percent (6%) per annum on all monetary awards for damages, from date of finality of this Decision until fully paid.

**WHEREFORE**, the appeal is **DISMISSED**. The 11 November 2013 Decision of the Court of Appeals in CA-G.R. CR-H.C. No. 05077 is **AFFIRMED WITH MODIFICATION as to the amount of damages**. Accused-appellant Rommel Ronquillo is **GUILTY BEYOND REASONABLE DOUBT** of **STATUTORY RAPE** as defined in Article 266-A and penalized in Article 266-B of the Revised Penal Code. Appellant is ordered to pay AAA the following amounts: civil indemnity of ₱75,000.00, moral damages of ₱75,000.00, and exemplary damages of ₱75,000.00. All monetary awards for damages shall earn interest at the legal rate of six percent (6%) per annum from date of finality of this Decision until fully paid.

**SO ORDERED.**

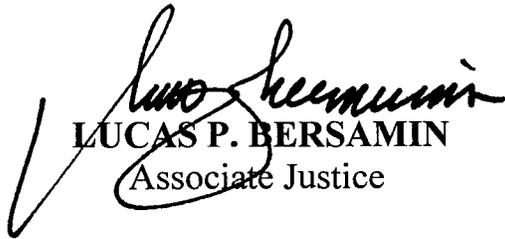
  
SAMUEL R. MARTIRES  
Associate Justice

**WE CONCUR:**

  
PRESBITERO J. VELASCO, JR.  
Associate Justice  
Chairperson

<sup>37</sup> Supra note 31 at 373.

<sup>38</sup> *People v. Dion*, 668 Phil. 333 (2011).

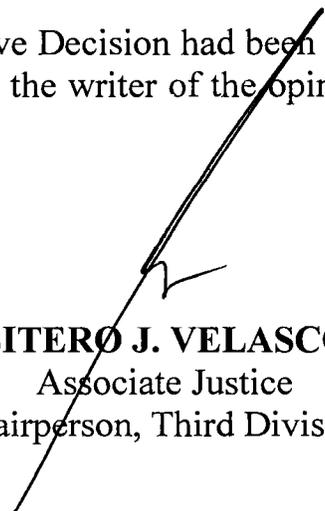
  
**LUCAS P. BERSAMIN**  
 Associate Justice

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

(On Official Leave)  
**ALEXANDER G. GESMUNDO**  
 Associate Justice

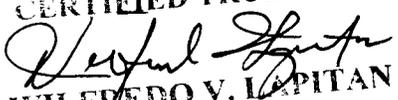
**ATTESTATION**

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.

**CERTIFIED TRUE COPY**  
  
**WILFREDO V. LAPITAN**  
 Division Clerk of Court  
 Third Division  
 OCT 04 2017

  
**ANTONIO T. CARPIO**  
 Acting Chief Justice