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

SEP 09 2016

Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff-Appellee,

G.R. No. 210752

Present:

VELASCO, JR., J.,
Chairperson,
PERALTA,
PEREZ,
MENDOZA,* and
REYES, JJ.

- versus -

EDDIE REGALADO,
Accused-Appellant.

Promulgated:

August 17, 2016

Wilfredo V. Lapitan

X ----- X

DECISION

PEREZ, J.:

On appeal is the September 02, 2013 Decision¹ of the Court of Appeals (CA) in CA-G.R. CR-H.C. No. 05488 affirming with modification the March 14, 2012 Consolidated Judgment² of the Regional Trial Court (RTC), Branch 60, Iriga City, in Criminal Case Nos. IR-8140, IR-8141 & IR-8142, which found Eddie Regalado (accused-appellant) guilty of three (3) counts of Statutory Rape.

Accused-appellant was charged with three (3) counts of Statutory Rape. The accusatory portions of the Informations narrate:

* Designated as Additional Member in lieu of Justice Francis H. Jardeleza per raffle dated June 13, 2016.

¹ *Rollo*, pp. 2-16; penned by CA Associate Justice Apolinario D. Bruselas, Jr. with Associate Justices Rebecca De Guia-Salvador and Samuel H. Gaerlan.

² Records, pp. 228-236; penned by Judge Timoteo A. Panga, Jr.

B

Criminal Case No. IR-8140

“That on or about the 3rd week of June 2007, at xxx, xxx, Iriga City, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, by means of force, threat and intimidation, with lewd design, did then and there willfully, unlawfully and feloniously lie with and succeed in having carnal knowledge with [AAA],³ a 10 year old minor, against her will and consent and to her damage and prejudice.

ACTS CONTRARY TO LAW.”⁴ (Italics and boldface in the original)

Criminal Case No: IR-8141

“That on or about June, 2007, at xxx, xxx, Iriga City, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, by means of force, threat and intimidation, with lewd design, did then and there willfully, unlawfully and feloniously lie with and succeed in having carnal knowledge with [AAA], a 10 year old minor, in the presence of her friend, against private complainant’s will and consent and to her damage and prejudice.

ACTS CONTRARY TO LAW.”⁵ (Italics and boldface in the original)

Criminal Case No. IR- 8142

“That on or about October 1, 2007 at xxx, xxx, Iriga City, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, by means of force, threat and intimidation, with lewd design, did then and there willfully, unlawfully and feloniously lie with and succeed in having carnal knowledge with [AAA], a 10-year-old minor, against her will and consent and to her damage and prejudice.

ACTS CONTRARY TO LAW.”⁶ (Italics and boldface in the original)

On arraignment, accused-appellant entered a plea of NOT GUILTY.⁷ At the joint pre-trial of the cases, the prosecution and the defense agreed on the following stipulation of facts: (1) the identity of accused-appellant as the accused in the three criminal cases; and (2) that the offended party is a 10 year old minor.⁸ Trial on the merits ensued thereafter.

³ Substituted name/alias pursuant to Sec. 44 of R.A. No. 9262 (VAWC Law) prohibiting publication/identification of women and child victims of violent crimes.

⁴ Records, Vol. 1, IR-8140, p. 1.

⁵ Id., Vol. 2, IR-8141, p. 1.

⁶ Id., Vol. 3, IR-8142, p. 1.

⁷ Supra note 4 at 21.

⁸ Id. at 39.

The Facts

The facts culled from the records and as summarized by the CA are as follows:

Sometime in June 2007, at around 12 o'clock noon, AAA, a 10-year-old school girl was at the *pansitan* in the public market of Iriga City. She claimed that accused-appellant undressed her and threatened her not to tell anybody or else she will be killed. Afterwhich, accused-appellant inserted his penis into her vagina and AAA kept the incident all to herself.⁹ Throughout the month of June 2007, the sexual assault was repeated everyday at noontime, at the same place.¹⁰ AAA recalled that she was last raped on October 01, 2007, at the same place.¹¹

AAA testified that there were no people around the place where she was raped, despite it being a public market, because market day was only every Sunday;¹² that after each rape incident, accused-appellant would give her thirty pesos (P30.00), and sometimes ten pesos (P10.00);¹³ that each time accused-appellant committed his bestial acts, he would hold her hands and lock the door; that accused-appellant would undress her and whenever she refused, he would force her to remove her panty or do it himself; that accused-appellant would insert his penis to her vagina; and that accused-appellant would then let her out of the place and warn her not to tell anybody of what he had done to her.

Out of fear, AAA did not tell her guardian-mother BBB about the incident. However, one afternoon after her class, she revealed to her teacher, CCC, what accused-appellant had been doing to her, hoping that the incident will not happen again.¹⁴ CCC then relayed the information to BBB that same afternoon. AAA was then brought to The Women and Children's Welfare Desk of the Philippine National Police in Iriga City. The Department of Social Welfare and Development (DSWD) took AAA into custody and for some time, AAA stayed at the DSWD Home for Girls, Sorsogon City. Merly Yanto, a DSWD Social Worker conducted a social case study on AAA and submitted a report to the court.¹⁵

Dr. Angelo Agudo (Dr. Agudo), the doctor who examined AAA, testified that upon examination of the latter's genitalia, he found "*incomplete healed superficial laceration with sharp coaptable borders at 11:00 and 2:00 o'clock positions*"¹⁶ which may have been caused "*by a blunt object*" that may have been a male sex organ.¹⁷ The findings were reflected in a certification issued by Dr. Agudo. He concluded that the hymenal lacerations that he noted were compatible with the alleged time

⁹ TSN, September 16, 2009, p. 7.
¹⁰ Id. at 9.
¹¹ Id.
¹² Id. at 12.
¹³ Id. at 8.
¹⁴ Id. at 11.
¹⁵ TSN, July 14, 2010, p. 4.
¹⁶ TSN, July 29, 2009, p. 6.
¹⁷ Id. at 8.



of sexual assault which was about two weeks prior to the medical examination.

BBB, the person who stood as AAA's guardian, testified that the biological parents of AAA entrusted the latter to her in 1999 when the child was only a year and nine (9) months old; that she treated AAA as her own daughter; and that the child's attitude towards her changed after the rape incidents. It was also established during the trial that AAA quit school after the last incident of sexual abuse and thereafter stayed with her biological father in XXX, Camarines Sur. AAA also positively identified accused-appellant in court as the perpetrator of the crimes charged.¹⁸

The defense of accused-appellant is one of denial and alibi. Accused-appellant claimed that he could not have possibly raped AAA in June and October 2007 since he was then working for Arce Gamboa (Gamboa). Accused-appellant contended that from April 2007 until November 2008, he stayed in his employer's piggery to take care and feed the latter's sows because he was under strict instructions not to leave the piggery. Accused-appellant vehemently claimed that he never left the farm, save for the two instances when he was asked by his employer to buy dog meat from the public market.¹⁹

In an attempt to discredit AAA's testimony, the defense presented the testimony of one Elsie Diaz (Diaz), the owner of the parlor referred to by AAA as the place where she was repeatedly raped. Diaz claimed that the parlor is closed during weekdays and only open during Sundays. The witness also testified that the parlor was always locked and no person other than herself has a key to the premises.²⁰

Ruling of the Regional Trial Court

On March 14, 2012, the RTC rendered a Consolidated Judgment finding accused-appellant guilty of three counts of Statutory Rape. The dispositive portion of the decision reads:

“WHEREFORE, finding the accused Eddie Regalado guilty beyond reasonable doubt, judgment is hereby rendered convicting him of three (3) counts of Statutory Rape in Criminal Case No. [IR-8140], Criminal Case No[. IR-8141] and Criminal Case No. [IR-8142]. Accordingly, he is sentenced to suffer the penalty of *Reclusion Perpetua* for each count, and he is further adjudged liable to pay AAA the following:

1. P75,000.00 for each count as moral damages,
2. P30,000.00 for each count as exemplary damages, and
3. the Costs.

SO ORDERED.”

¹⁸ TSN, September 16, 2009, p. 6.

¹⁹ TSN, August 17, 2011, p. 5.

²⁰ TSN, October 25, 2011, p. 4.

Ruling of the Court of Appeals

The CA, in its assailed decision dated September 02, 2013, affirmed the judgment of conviction of the RTC. The appellate court found no cogent reason to disturb the factual findings of the trial court. The dispositive portion of the decision reads:

“**WHEREFORE**, the appeal is **DENIED**. The assailed *Consolidated Judgment* in Criminal Case Nos. IR-8140, 8141 and 8142 is **AFFIRMED with the MODIFICATION** that accused-appellant EDDIE REGALADO is further ordered to indemnify AAA the amount of P75,000.00 as civil indemnity for each count of rape in addition to the other monetary awards ordered by the trial court.

IT IS SO ORDERED.”²¹

Accused-appellant appealed the decision of the CA. The Notice of Appeal was given due course and the records were ordered elevated to this Court for review. In a Resolution dated February 17, 2014, We required the parties to file their respective supplemental briefs. Both parties manifested that they are adopting all the arguments contained in their respective briefs in lieu of filing supplemental briefs.

Our Ruling

We find no reason to deviate from the findings and conclusions of the courts below as the degree of proof required in criminal cases has been met in the case at bar. Accused-appellant’s defenses of denial and alibi are bereft of merit.

Statutory Rape

Articles 266-A and 266-B of the Revised Penal Code, as amended by R.A. No. 8353,²² define and punish Statutory Rape as follows:

Art. 266-A. Rape: *When and How Committed*. - Rape is committed:

- 1) by a man who shall have carnal knowledge of a woman xxx:

xxxx

²¹ *Rollo*, pp. 16-17.

²² An Act Expanding the Definition of the Crime of Rape, Reclassifying the same as a Crime Against Persons, Amending for the Purpose Act No. 3815, As Amended, Otherwise Known as the Revised Penal Code, and for Other Purposes; effective on October 22, 1997.

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.

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

For a conviction for Statutory Rape to prosper, the following elements must concur: (a) the victim is a female under 12 years of age or is demented; and (b) the offender has carnal knowledge of the victim.²³ We quote the pertinent disquisition of the CA with approval:

“XXX, neither the use of force, threat or intimidation on the female, nor the female’s deprivation of reason or being otherwise unconscious, nor the employment on the female of fraudulent machinations or grave abuse of authority is necessary to commit statutory rape. Further, the absence of free consent is conclusively presumed when the victim is below the age of twelve (12). At that age, the law presumes that the victim does not possess discernment and is incapable of giving intelligent consent to the sexual act.

Thus, to convict an accused of the crime of statutory rape, the prosecution carries the burden of proving: (1) the age of the complainant; (2) the identity of the accused; and (3) the sexual intercourse between the accused and the complainant. In the three (3) cases under review, the prosecution was able to prove the existence of all the elements of statutory rape.

The age of the victim AAA was proven by her birth certificate which established that she was only eight (8) years of age at the time she was repeatedly molested by Regalado in June 2007 and 01 October 2007. In fact, it was stipulated upon by the parties that AAA was only ten (10) years old during the pre-trial of the case.”²⁴ (Citations omitted)

Moreover, the finding that accused-appellant had carnal knowledge of the victim was proved by the prosecution beyond reasonable doubt on the basis of AAA’s credible, positive and categorical testimony relative to the circumstances surrounding the rape.

Positive Identification

AAA’s testimony deserves full weight and credence. Her positive identification of accused-appellant in open court as the perpetrator of the crime is worthy of belief. Upon perusal of the records of this case, We likewise see no reason to depart from the lower courts’ assessment of AAA’s testimony. Moreover, “testimonies of child-victims are normally given full weight and credit, since when a girl, particularly if she is a minor,

²³ *People v. Besmonte*, G.R. No. 196228, June 04, 2014, 725 SCRA 37, 50.

²⁴ *Rollo*, pp. 9-10.

says that she has been raped, she says in effect all that is necessary to show that rape has in fact been committed. 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.”²⁵ Time and again, this Court has held 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 public trial, if she was not motivated solely by the desire to obtain justice for the wrong committed against her.²⁶

Denial and Alibi as Inherently Weak Defenses

Accused-appellant’s denial could not prevail over AAA’s direct, positive and categorical assertion. For accused-appellant’s alibi to be credible and given due weight, he must show that it was physically impossible for him to have been at the scene of the crime at the approximate time of its commission. This Court has uniformly held that denial is an intrinsically weak defense which must be buttressed by strong evidence of non-culpability to merit credibility.²⁷ No jurisprudence in criminal law is more settled than that alibi is the weakest of all defenses for it is easy to contrive and difficult to disprove, and for which reason it is generally rejected.²⁸ For alibi to prosper, it is imperative that the accused establish 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.²⁹ Accused-appellant failed to establish the same. More importantly, accused-appellant failed to provide any corroborative evidence that could prove his defense.

It is also worth noting that accused-appellant’s argument – that it is too good to be true that nobody noticed or heard what was happening during the incidents – deserves scant consideration. The argument that it would be highly unthinkable for rape to be committed in a public place is wanting of merit. Rape does not only occur in seclusion³⁰ as “lust is no respecter of time and precinct and known to happen in most unlikely places

²⁵ *People v. Proenciado*, G.R. No. 192232, December 10, 2014, 744 SCRA 429, 442; citing *People v. Piosang*, 710 Phil. 519, 526 (2013).

²⁶ *People v. Perez*, 595 Phil. 1232, 1251 (2008); citing *People v. Villafuerte*, G.R. No. 154917, May 18, 2004, 428 SCRA 427, 433.

²⁷ *People v. Villafuerte*, supra at 435.

²⁸ *People v. Sanchez*, 426 Phil. 19, 31 (2002).

²⁹ *People v. Flora*, 389 Phil. 601, 611 (2000).

³⁰ *People v. Ramon*, 378 Phil. 542, 557 (1999); citing *People v. Sangil, Sr.*, 342 Phil. 499, 507 (1997).

such as in a park, along a roadside, within school premises, or even in an occupied room.”³¹

***Inconsistencies in testimonies
with respect to minor details
may be disregarded without
impairing witness' credibility.***

According to AAA's testimony, the incidents repeatedly occurred in a *pansitan*. In an attempt to cast doubt on the veracity of AAA's allegations, the defense presented a witness to testify that the scene of the crime was in fact a parlor and not a *pansitan*. As consistently ruled by the Court, the testimony of children of sound mind is likely to be more correct and truthful than that of older persons, so that once established that they have fully understood the character and nature of an oath, their testimony should be given full credence.³² The trivial inconsistencies in AAA's narration of details are understandable, considering the traumatic effect of the crime on his. It is for this reason that jurisprudence uniformly pronounces that minor inconsistencies in the testimony of a witness do not reflect on his credibility. What remains important is the positive identification of the accused as the assailant.³³ Ample margin of error and understanding must be accorded to young witnesses who, much more than adults, would be gripped with tension due to the novelty of the experience of testifying before a court.³⁴

Damages Awarded

Anent the damages awarded by the appellate court, We find that modification of the amount of exemplary damages awarded is in order. In line with recent jurisprudence,³⁵ the amount of exemplary damages shall be modified and increased to ₱75,000.00 for each count of rape. AAA shall likewise be entitled to civil indemnity of ₱75,000.00 for each count of rape and moral damages of ₱75,000.00 for each count of rape.

WHEREFORE, the September 02, 2013 Decision of the Court of Appeals in CA-G.R. CR-H.C. No. 05488 is **AFFIRMED with MODIFICATIONS** in that accused-appellant EDDIE REGALADO is found **GUILTY** beyond reasonable doubt of three (3) counts of Statutory Rape and sentenced to suffer the penalty of *reclusion perpetua* for each count of rape and ordered to indemnify AAA the amounts of ₱75,000.00 as

³¹ *People v. Cabillan*, 334 Phil. 912, 919-920 (1997).

³² *People v. Tenoso, et al.*, 637 Phil. 595, 602 (2010).


³³ *People v. Lagota*, 271 Phil. 923, 931-932 (1991).

³⁴ *People v. Abaño*, 425 Phil. 264, 278 (2002).


³⁵ *People v. Jugueta*, G.R. No. 202124, April 5, 2016.


civil indemnity for each count of rape, ₱75,000.00 as moral damages for each count of rape, and ₱75,000.00 as exemplary damages for each count of rape. All monetary awards for damages shall earn interest at the legal rate of 6% per annum from the date of finality of this judgment until fully paid.

SO ORDERED.

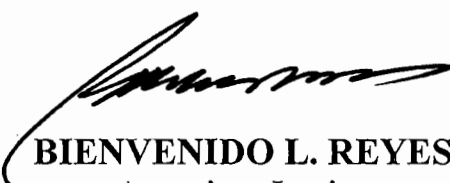

JOSE PORTUGAL PEREZ
Associate Justice

WE CONCUR:


PRESBITERO J. VELASCO, JR.
Associate Justice
Chairperson



DIOSDADO M. PERALTA
Associate Justice


JOSE C. MENDOZA
Associate Justice


BIENVENIDO L. REYES
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.



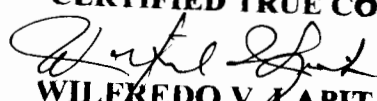
PRESBITERO J. VELASCO, JR.
Associate Justice
Third Division, Chairperson

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.



MARIA LOURDES P. A. SERENO
Chief Justice

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WILFREDO V. LAPITAN
Division Clerk of Court
Third Division

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