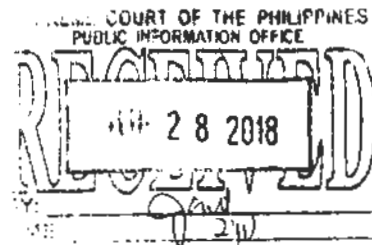




Republic of the Philippines
Supreme Court
 Manila



FIRST DIVISION

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

G.R. No. 223565

Present:

**JONATHAN PAL, THANIEL
 MAGBANTA, *alias* DODONG
 MANGO [RON ARIES DAGATAN
 CARIAT] and *alias* TATAN
 CUTACTE,**
Accused,

LEONARDO-DE CASTRO,
*Acting Chairperson,**
DEL CASTILLO,
JARDELEZA,
TIJAM, and
GESMUNDO, JJ.**

RON ARIES DAGATAN CARIAT
alias **DODONG MANGO,**
Accused-Appellant.

Promulgated:
JUN 18 2018

X-----

DECISION

DEL CASTILLO, J.:

This resolves the appeal filed by Ron Aries Dagatan Cariat *alias* Dodong Mango (appellant) assailing the October 12, 2015 Decision¹ of the Court of Appeals (CA) in CA-G.R. CR-HC No. 01261-MIN which affirmed with modification the March 28, 2012 Judgment² of the Regional Trial Court (RTC) of Davao City, Branch 11, in Criminal Case No. 63,897-08 finding him guilty beyond reasonable doubt of the crime of rape and sentencing him to suffer the penalty of *reclusion perpetua*.

On July 2, 2008, an Information was filed charging appellant and his three co-accused with the crime of rape allegedly committed as follows:

* Per Special Order No. 2559 dated May 11, 2018.

** Per Special Order No. 2560 dated May 11, 2018.

¹ CA *rollo*, pp. 55-68; penned by Associate Justice Henri Jean-Paul B. Inting and concurred in by Associate Justices Edgardo A. Camello and Rafael Antonio M. Santos.

² Records, pp. 80-86, penned by Judge Virginia Hofileña-Europa.

That on or about July 26, 2007, in the City of Davao, Philippines, and within the jurisdiction of this Honorable Court, accused THANIEL MAGBANTA, conspiring and confederating with the other above-named accused[,] with force and intimidation, willfully, unlawfully[,] and feloniously had carnal knowledge of [AAA],³ while accused alias DODONG MANGO was pointing a knife and holding the legs of the latter and while other accused JONATHAN PAL and alias TATAN CUTACTE were watching and laughing, to her damage and prejudice.

CONTRARY TO LAW.⁴

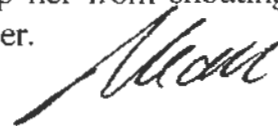
Of the four accused, only appellant was arrested and brought under the jurisdiction of the RTC. The other three accused have remained fugitives from justice.

Appellant pleaded not guilty to the offense charged when he was arraigned on August 1, 2008. Thereafter, trial on the merits followed.

Version of the Prosecution

“AAA” testified that on July 26, 2007 at around 11:00 p.m., she was on her way home when her neighbors, accused Jonathan Pal (Pal) and Thaniel Magbanta (Magbanta), invited her to join them celebrate Pal’s birthday.⁵ “AAA” accepted their invitation and joined the drinking spree. After taking several shots of rum, “AAA” felt dizzy and intoxicated.

Thereafter, “AAA” averred that Magbanta approached and punched her stomach twice. Pal, Magbanta, Tatan Cutacte (Cutacte), and appellant held her hands and dragged her to a grassy and secluded area near Pal’s house about 500 meters away. Appellant was then holding and pointing a knife at “AAA”. Feeling weak and numb, “AAA” cried for help but no one heard her. Magbanta punched her again three times and pushed her to the ground to stop her from shouting. Magbanta warned “AAA” not to resist or else he would kill her.



³ “The identity of the victim or any information which could establish or compromise her identity, as well as those of her immediate family or household members, shall be withheld pursuant to Republic Act No. 7610, An Act Providing for Stronger Deterrence And Special Protection Against Child Abuse, Exploitation And Discrimination, Providing Penalties for its Violation, And for Other Purposes; Republic Act No. 9262, An Act Defining Violence Against Women And Their Children, Providing For Protective Measures For Victims, Prescribing Penalties Therefor, And for Other Purposes; and Section 40 of A.M. No. 04-10-11-SC, known as the Rule on Violence against Women and Their Children, effective November 15, 2004.” *People v. Dumadag*, 667 Phil. 664, 669 (2011).

⁴ Records, p. 1.

⁵ It is stated in some parts of the record that it was the birthday of Pal’s father.

“AAA” further narrated that appellant held her legs while Pal and Cutacte acted as lookout. Magbanta then undressed and raped “AAA”. Magbanta laid on top of her and forcibly inserted his penis inside her vagina. “AAA” recalled that appellant, Pal, and Cutacte were all laughing as they watched Magbanta insert his penis inside “AAA’s” vagina. After raping her, Magbanta again punched “AAA” in her stomach which caused her to faint.

“AAA” regained consciousness around 3:00 a.m. of July 27, 2007. She was only wearing her bra and panty. She looked for her clothes and after finding them, she went home afterward.

Traumatized by her harrowing experience, “AAA” kept the incident to herself for three months. Her sisters confronted her when they noticed a change in her disposition. “AAA” subsequently disclosed to them what had happened to her. Her sister then referred “AAA” to a psychiatrist. “AAA” also had a medical check-up on November 13, 2007 and was then asked to stay at her sister’s convent for her security.

Version of the Defense

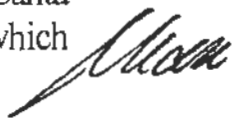
For his defense, appellant claimed that on July 26, 2007 while they were celebrating the birthday of Pal’s father, “AAA” arrived around 8:00 p.m. and joined their drinking spree. When all the rum was consumed, “AAA” brought out another bottle from her back pocket. She also procured two bottles of tuba and cigarettes.

Later in the evening, “AAA” asked to be excused to relieve herself outside. She asked Mabanta to accompany her. A few moments later, only Mabanta returned. Soon appellant’s friends went home. Appellant then went to sleep.

Appellant denied that he held “AAA” and dragged her outside their house to a grassy area. He denied that he pointed a knife at “AAA” while Magbanta raped her.

Ruling of the Regional Trial Court

On March 28, 2012, the RTC of Davao City, Branch 11 rendered judgment finding appellant guilty as charged. The RTC was convinced that the prosecution, through the testimony of “AAA”, was able to establish conspiracy among the four accused to commit the crime of rape. The RTC held that, while it was Magbanta who had sexual intercourse with “AAA”, the fact the appellant held her legs which



allowed Magbanta to consummate the rape constituted direct participation in the commission of the crime.

The dispositive portion of the RTC's Judgment reads:

Wherefore, in view of the foregoing, judgment is hereby rendered finding Ron Aries Cariat alias Dodong Mango GUILTY beyond reasonable doubt of the crime of Rape.

He is hereby sentenced to suffer the penalty of reclusion perpetua. He is further sentenced to pay the private complainant [AAA] the amount of FIFTY THOUSAND (₱50,000.00) PESOS as moral damages.

Issue alias warrant of arrest for Nathaniel Magbanta, Jonathan Pal and one alias Tata Cutacte.

SO ORDERED.⁶

Aggrieved by the RTC's Judgment, appellant appealed to the CA.

Ruling of the Court of Appeals

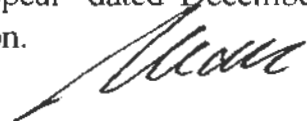
On October 12, 2015, the CA affirmed with modification the RTC's Judgment and held as follows:

WHEREFORE, the Judgment dated March 28, 2012 of the Regional Trial Court, Branch 11, Davao City, in Criminal Case No. 63,897-08 is hereby AFFIRMED with MODIFICATION. Accused-appellant RON ARIES DAGATAN CARIAT alias DODONG MANGO is hereby found GUILTY beyond reasonable doubt of the crime of rape and is sentenced to suffer the penalty of *reclusion perpetua*.

Accused-Appellant is ORDERED to pay AAA the amount of ₱50,000.00 as civil indemnity and another ₱50,000.00 as moral damages and interest on all damages at the rate of six percent (6%) per annum from the finality of judgment until fully paid.

SO ORDERED.⁷

Dissatisfied with the CA's Decision, and after denial of his Motion for Reconsideration, appellant filed a Notice of Appeal⁸ dated December 4, 2015 manifesting his intention to appeal the CA Decision.



⁶ Records, p. 85.

⁷ CA rollo, pp. 67-68.

⁸ Id. at 72-73.

Hence, this appeal.

Issue

The issue in this case is whether appellant was guilty of the crime of rape. According to appellant, the RTC erred in convicting him of rape in view of the prosecution's failure to prove his guilt beyond reasonable doubt. Appellant claims that the fact of sexual and physical assault were not sufficiently proven. He also argues that the prosecution failed to establish the existence of a conspiracy.

Our Ruling

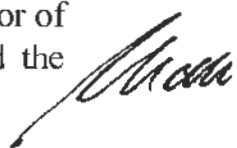
The Court upholds appellant's conviction and dismisses his appeal for lack of merit.

To secure a conviction for rape under Article 266-A of the Revised Penal Code, the prosecution must prove that (1) the offender had carnal knowledge of a woman; and (2) he accomplished such act through force, threat, or intimidation, or when she was deprived of reason or otherwise unconscious, or when she was under twelve years of age or was demented.

In this case, the prosecution had sufficiently established the existence of the elements above. The testimony of "AAA" established that Magbanta had sexual intercourse with her with the assistance of appellant, Pal, and Cutacte. "AAA" testified that appellant held her, pointed a knife at her, and helped his co-accused drag her to a secluded grassy area where Magbanta punched her and forced her to lie down. Magbanta then undressed her and inserted his penis inside her vagina while her legs were held by appellant. These circumstances show that Magbanta had sexual intercourse with "AAA" against her will through force, threat, and intimidation and with the assistance of appellant and the other accused.

Contrary to appellant's contention, the fact of sexual and physical assault were sufficiently established through the testimony of "AAA". This Court finds no cogent reason to reverse the RTC's assessment of "AAA's" credibility. Absent any evidence that it was tainted with arbitrariness or patent error, the trial court's assessment of a witness' credibility is entitled to great weight, if not conclusive on this Court. Time and again, the Court has held that "assigning of values to declarations of witnesses is best and most competently performed by the trial judge who has the unique and unmatched opportunity to observe the demeanor of witnesses and assess their credibility."⁹ It is with more reason to uphold the

⁹ *People v. Nuyok*, 759 Phil. 437, 447 (2015).



assessment made by the trial court when the CA affirms the same, as in the present case.

The Court likewise finds that conspiracy was established in this case. There is conspiracy “when the acts of the accused demonstrate a common design towards the accomplishment of the same unlawful purpose.”¹⁰ While appellant did not personally have sexual intercourse with “AAA”, the acts of appellant, Magbanta, Pal, and Cutacte clearly demonstrated a common design to have carnal knowledge of “AAA”. Appellant helped Magbanta, Pal, and Cutacte in restraining “AAA” and in dragging her to a secluded grassy area. He also pointed a knife at “AAA” and held her while Magbanta inserted his penis into “AAA’s” vagina. Unmistakably, appellant concurred in the criminal design to rape “AAA”. Since there was conspiracy among appellant, Magbanta, Pal, and Cutacte, the act of one was the act of all making them equally guilty of the crime of rape against “AAA”.

Finally, as to the award of damages, the Court enunciated in *People v. Jugueta*,¹¹ that “when the circumstances surrounding the crime call for the imposition of *reclusion perpetua* only, there being no ordinary aggravating circumstance, x x x the proper amounts [of civil liability] should be ₱75,000.00 as civil indemnity, ₱75,000.00 as moral damages and ₱75,000.00 exemplary damages, regardless of the number of qualifying aggravating circumstances present.”¹² Thus, there is a need to increase the award of civil indemnity to ₱75,000.00, moral damages to ₱75,000.00 and to further impose exemplary damages in the amount of ₱75,000.00. Moreover, all damages awarded shall earn interest at the rate of 6% *per annum* from finality of this Decision until full payment.

Based on the evidence on record, save as to the amount of damages awarded, the Court finds no reason to disturb the findings of the CA that appellant was guilty beyond reasonable doubt of the crime of rape.

WHEREFORE, the October 12, 2015 Decision of the Court of Appeals in CA-G.R. CR-HC No. 01261-MIN is **AFFIRMED** with the further **MODIFICATIONS** in that appellant Ron Aries Dagatan Cariat *alias* Dodong Mango is ordered to pay the victim “AAA” the increased amounts of ₱75,000.00 as civil indemnity and ₱75,000.00 as moral damages. He is further ordered to pay ₱75,000.00 as exemplary damages. All damages awarded shall earn interest at the rate of 6% *per annum* from the date of finality of this Decision until fully paid.



¹⁰ *People v. Hidalgo*, 768 Phil. 355, 364 (2015).

¹¹ 783 Phil. 806 (2016).

¹² *Id.* at 840.

SO ORDERED.


MARIANO C. DEL CASTILLO
Associate Justice

WE CONCUR:


TERESITA J. LEONARDO-DE CASTRO
Associate Justice
Acting Chairperson


FRANCIS H. JARDELEZA
Associate Justice


NOEL GIMENEZ TIJAM
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.


TERESITA J. LEONARDO-DE CASTRO
Associate Justice
Acting Chairperson

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution and the Division Acting 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

Acting Chief Justice

