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NOV 08 2019

Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

SUPREME COURT OF THE PHILIPPINES
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NOV 14 2019
BY: *ysa*
TIME: *8:28*

THE PEOPLE OF THE
PHILIPPINES,
Plaintiff-Appellee,

G.R. No. 218210

Present:

versus

PERALTA, J.,
Chairperson,
LEONEN,
REYES, A. JR.,
HERNANDO, and
INTING, *JJ.

NOLI VILLEGAS, JR. y
LACRETE,
Accused-Appellant.

Promulgated:

October 9, 2019

Mis-DC Batt

X-----X

DECISION

HERNANDO, J.:

On appeal is the September 24, 2014 Decision¹ rendered by the Court of Appeals (CA) in CA-G.R. CEB-CR HC No. 01553 affirming the Decision² of the Regional Trial Court (RTC) of Barotac Viejo, Iloilo, Branch 66, convicting accused-appellant Noli Villegas, Jr. y Lacrete (Villegas) of rape with homicide.

* On official leave.

¹ CA rollo, pp. 84-98, penned by Associate Justice Edgardo L. Delos Santos and concurred in by Associate Justices Marilyn B. Lagura-Yap and Jhosep Y. Lopez.

² Records, pp. 208-214; penned by Judge Rogelio J. Amador.

The Antecedents:

Accused-appellant Villegas appeals his conviction for rape with homicide. He denies the charge and argues that his guilt has not been proven beyond reasonable doubt.

The pertinent facts, as stated in the Appellee's Brief (represented by the Office of the Solicitor General), are as follows:

On x x x November 12, 2003 at around 5 o'clock in the afternoon, victim AAA³ asked permission from her mother, BBB,⁴ to go with x x x Villegas, Jr. to visit a friend in Barangay x x x, Estancia[,] Iloilo. BBB did not allow AAA to go with [Villegas] but, thereafter, she noticed that her daughter x x x was no longer in [their] house.

At 5:30 x x x, Felicidad Bornaes [who] was fetching water at the jetmatic pump in Barangay x x x, Estancia, Iloilo x x x noticed AAA [in the company of Villegas]. Felicidad observed that AAA was wearing a black striped t-shirt and floral shorts while [Villegas] was wearing a white t-shirt, maong pants and x x x carrying x x x a dark blue bag. While fetching water, Felicidad [overheard Villegas inviting] AAA to go with him somewhere in the nearby mountain but AAA declined because her mother might get angry. After Felicidad x x x finished fetching water, she left the place [leaving Villegas] and AAA still x x x conversing with each other.

At 8 o'clock in the evening of the same day, BBB got worried when she noticed [that] AAA was still not home. BBB went out to look for AAA x x x but to no avail. She then asked help from one of the children of her neighbor, Jun-jun dela Cruz, and her daughter, CCC,⁵ to look for AAA. They went to the house of Eva Catalan [Catalan], the aunt of [Villegas], but the latter [denied knowing] the whereabouts of AAA and [Villegas].

Thereafter, about [eight] 8 meters on their way out [of Catalan's house], they noticed x x x sledge prints leading to [the] abandoned house of Antonio Lacrete which was 35 meters away. Upon reaching the abandoned house, they entered through the slightly opened door and found a white t-shirt, a pair of black slippers with green strap[s] and a pair of yellow slippers belonging to AAA. They also noticed x x x blood stains on the bamboo floor. Thereafter, BBB together with [CCC] and Jun-jun went to the barangay to report the incident.

Barangay Captain Editha Lamigo with her [t]anods went with BBB, CCC and Jun-jun to the abandoned house. When they arrived, they found a dark-blue bag containing a pair of maong pants, money worth P 80.50 and torn

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 Rules on Violence Against Women and their Children, effective November 15, 2004. (*People v. Dumadag*, 667 Phil. 664, 669 [2011].)

⁴ *Id.*

⁵ *Id.*

birth certificate of [Villegas].

Thereafter, BBB[,] together with the barangay officials went to the house of Noli Villegas, Sr., accused-appellant's father[,] to inquire on the whereabouts of his son and AAA. However, he told the barangay officials [that] he did not know where his son [was]. So they went back to the abandoned house.

At 11 o'clock in the evening, BBB was informed by a certain Nico that AAA's body was found dumped in a pond along the rice field.

On November 14, 2003, [Villegas], accompanied by his father, surrendered to the authorities.⁶ (Citations omitted)

On April 28, 2004, an Information was filed charging Villegas with Rape with Homicide, the accusatory portion of which reads:

That on or about November 12, 2003 in the x x x Province of Iloilo, Philippines and within the jurisdiction of this Honorable Court, the above-named accused [Noli Villegas, Jr. y Lacrete] with the use of force, and with lewd design did then and there willfully, unlawfully and feloniously have carnal knowledge of AAA, without her consent and against her will and by reason or in the occasion of such rape with a decided purpose to kill, did then and there willfully, unlawfully and feloniously attack, assault and strike a hard object on the victim's head which caused intracranial hemorrhage due to a traumatic injury of the head which resulted to her death.

CONTRARY TO LAW.⁷

During his arraignment, Villegas entered a plea of "not guilty."⁸ At the pre-trial, the parties stipulated only on the identity of Villegas as the person who was charged in the Information.⁹

During trial, the prosecution established that after AAA's body was retrieved from the rice paddy, the same was submitted for a medical examination wherein the attending medico-legal officer, Police Chief Inspector Owen Jaen Lebaquin (Lebaquin), found that the cause of death was intracranial hemorrhage due to a traumatic injury to the head. He likewise noted that the victim sustained wounds, abrasions and contusions, and had recently lost her virginity.¹⁰ This was noted in his Medico-Legal Report No. M-760-2003¹¹ dated November 16, 2003.

Aside from this, the prosecution submitted the respective *Sinumpaang Salaysay* of BBB¹² and Felicidad Bornales¹³ (Bornales) which supported the prosecution's version of the incident.

⁶ CA rollo, pp. 71-72.

⁷ Records, p. 1.

⁸ *Id.* at 30.

⁹ *Id.*

¹⁰ TSN, February 28, 2005, pp. 7-19.

¹¹ Records, p. 16.

¹² *Id.* at 5-6. See note 4.

¹³ *Id.* at 7.

surrender in order to prove his innocence.²⁸ On cross-examination, Ronilo stated that the distance from his house to Villegas' residence could be traversed in 10 to 15 minutes.²⁹

Finally, Villegas insisted that he and AAA were sweethearts.³⁰ He averred that Catalan asked him to borrow *palay* and that from November 12, 2003 until November 14, 2003, he stayed at the house of his uncle (Ronilo) due to heavy rains.³¹ He alleged that he last saw AAA on November 12, 2003 when he helped her fetch water.³² He denied the allegations against him.³³

The Ruling of the RTC

In a Decision³⁴ dated December 15, 2011, the RTC found that the circumstantial evidence adduced by the prosecution all point to Villegas, and to no other, as the perpetrator of the crime. It made the following observations:

1. [Villegas] and [AAA] [were] neighbors and sweethearts. It [was] not difficult for [Villegas] to convince and lure the victim to go with him to any secluded place;
2. [AAA asked permission from] her mother that she will [accompany] Villegas, Jr. to [visit a friend in a neighboring barangay], but her mother did not permit [her]. Yet, the victim left the house and by inference, she went with no other person except x x x Villegas. In fact, prosecution witness Felicidad Bornaes saw them at the [vicinity of the] jetmatic pump and she even [over]heard the accused convincing the victim to go with him to the nearby mountain;
3. Bloodstains were found at the abandoned house where [Villegas] used to sleep. [The] [v]ictim's slippers were also found there. [Villegas'] dark blue bag which contained his tattered birth certificate, among others, [was] also found there. That bag was seen by prosecution witness Felicidad Bornaes being carried by [Villegas] while he was together with the victim at the [vicinity of the] jetmatic pump. The white T-shirt owned by x x x Villegas, Jr. which he was wearing when they were seen by prosecution witness Felicidad Bornaes at the jetmatic pump was also found in the abandoned house along with the blood-stained yellow slippers of the victim, [AAA]. Again, by inference, the commission of the crime took place in that abandoned house;
4. The last person seen in [the] company of the victim was x x x Villegas, Jr. It was 5:30 in the afternoon and then five (5) hours later the dead body of the victim was found.³⁵

²⁸ *Id.* at 7-8.

²⁹ *Id.* at 10-11.

³⁰ TSN, February 10, 2010, pp. 3, 8.

³¹ *Id.* at 4-5.

³² *Id.* at 6.

³³ *Id.* at 8.

³⁴ *Supra* note 2.

³⁵ Records, pp. 212-213.

The trial court opined that the victim's body was dumped in the muddy portion of the rice field to avoid timely discovery. Furthermore, it ruled that it was not physically impossible for Villegas to be at the vicinity where the crime was committed since the place was very accessible by any mode of transportation. Similarly, it noted that Villegas' defense of alibi was only corroborated by his close relatives, which should be taken with caution. The dispositive portion of the RTC's Decision reads:

WHEREFORE, in all the foregoing, the court hereby finds the accused Noli Villegas, Jr. guilty beyond reasonable doubt of the crime of Rape with Homicide and hereby imposes upon him a penalty of reclusion perpetua, together with accessory penalties, to pay the heirs of [AAA] P50,000.00 as death indemnity and P50,000.00 as moral damages, without subsidiary imprisonment in case of insolvency, and to pay the costs.

Accused['s] entire period of detention shall be deducted from the sentence herein imposed.

SO ORDERED.³⁶

Aggrieved, Villegas appealed³⁷ before the CA and assigned these errors:

I

The trial court erred in relying solely and purely on the circumstantial evidence adduced by the Prosecution inspite [sic] its questionability and insufficiency to prove beyond reasonable doubt the guilt of the accused.

II

The trial court erred in not giving due weight and credence to the defense of the Accused-Appellant of alibi which prevails over and above the alleged circumstantial evidence presented by the Prosecution.³⁸

The Ruling of the Court of Appeals

The CA, in its assailed September 24, 2014 Decision,³⁹ held that Villegas may still be pinned down as the perpetrator in view of the overwhelming circumstantial evidence, viz.:

One, hours before she went missing, AAA had asked permission from her mother to accompany [Villegas] to [the neighboring barangay] and although BBB did not permit her to go, she was last seen conversing with [him] at the water pump that same afternoon.

³⁶ *Id.* at 214.

³⁷ *Id.* at 215-217.

³⁸ CA rollo, p. 27.

³⁹ *Supra* note 1.

Two, hours before [AAA's] body was found, [Villegas] was overheard to have twice invited AAA for a walk to the mountain but he was refused by AAA.

Three, [Villegas] was seen wearing a white shirt and maong pants and carrying a dark blue bag the same day AAA went missing.

Four, a similar white shirt, denim pants and dark blue bag were discovered inside and/or near the abandoned hut where [Villegas] admittedly resided x x x.

Five, the dark blue bag which contained the torn birth certificate of [Villegas] was bafflingly found [two] 2 meters outside the hut near the Indian mango tree, instead of inside the abandoned hut where [Villegas's] belongings should have been.

Six, the yellow slippers which BBB claimed to be owned by AAA were found at the abandoned house/hut where BBB also [noticed] blood stains on the bamboo floor.

Seven, when BBB told Eva [Catalan] – [Villegas's] own aunt – about the blood stains they found at the abandoned hut, Eva [Catalan] had spontaneously remarked, “*Ay, pinatay niya gid gali*” ([“]Ay, he really killed her”).

Eight, Felicidad [Bornales] testified that AAA's body was recovered more or less 30 meters away from the well and jetmatic pump where AAA and [Villegas] were last seen together. Based on the ocular inspection of the trial court, the jetmatic pump is across the road from Eva's [Catalan's] house and Eva's [Catalan's] house, as admitted by [Villegas], is 10 meters away from the abandoned hut.

Nine, Dr. Lebaquin reported that AAA had a “fleshy type hymen with deep fresh laceration at 6 o'clock and shallow fresh laceration at 7 o'clock” which could have been caused by the forcible insertion of any hard blunt rigid or semi rigid object, like [an] erect penis. He also declared in his report that his “findings [were] compatible to [AAA's] recent loss of virginity” which [was] inconsistent with [Villegas's] claim of “countless” sexual encounters with AAA.

Ten, when AAA's body was discovered, she was wearing the same clothes she was last seen [wearing] when she was together with [Villegas] hours prior, except that the left side of AAA's shorts [was pulled down] on her hips exposing her bare skin around the pelvic area.

Eleven, AAA's lifeless body was found in an unnatural position with her arms raised and bent at the shoulders, and her legs slightly opened and bent at the knees, which is not unlike the position of one who has been forcibly restrained with both arms pinned down.

Twelve, several contusions and abrasions marred AAA's body and according to Dr. Lebaquin, these contusions especially [in] the head were fatal. In his expert opinion, he testified that the contusion [in] AAA's head was caused by any hard blunt object, possibly and most probably a fist while

the abrasions were caused by rubbing against a hard or rough surface, possibly due to the victim struggling or wrestling or possibly during the dragging of the [victim's body]. He further testified that the totality of AAA's injuries, the contusions and lacerations taken together, were sustained within 24 hours from the time AAA went missing."⁴⁰ (Citations omitted)

According to the CA, these circumstances, when appreciated as a whole, point to Villegas as the perpetrator of the felony beyond reasonable doubt. Moreover, the appellate court ruled that findings of fact of the trial court deserve respect and that it found no reason to deviate from such findings since these were supported by law and evidence. Also, it held that the testimonies of the prosecution witnesses deserve credit in the absence of ill motive.

Apart from these, the CA found Villegas' defenses of alibi and denial unconvincing given that there was a possibility that he could have been in the vicinity when the felony was committed. Likewise, it found Villegas' story that he was sent out on an errand questionable since the testimonies of the defense witnesses were contradictory and riddled with discrepancies. Also, Villegas' self-serving assertion that he and AAA were sweethearts was not supported with convincing evidence.

The appellate court affirmed the RTC's ruling finding Villegas guilty of rape with homicide, but modified the penalty imposed by the trial court in that he is not eligible for parole and the monetary award to conform with recent jurisprudence, as follows:

WHEREFORE, in view of the foregoing premises, the present appeal is hereby DENIED. The assailed 15 December 2011 Decision of the Regional Trial Court, Branch 66 in Barotac, Viejo, Iloilo in Crim. Case No. 2004-2544 is hereby AFFIRMED WITH MODIFICATION as to the penalty imposed. Accordingly, the accused-appellant is sentenced the penalty of *reclusion perpetua* without eligibility for parole, and is ordered to pay the heirs of the victim the amounts of Php100,000 as civil indemnity; Php75,000 as moral damages; Php30,000 as exemplary damages; and Php25,000 as temperate damages, all with interest at the legal rate of six percent (6%) *per annum* from the finality of this Decision until fully paid.

SO ORDERED.⁴¹

Discontented, Villegas appealed⁴² his case before Us raising the main issue of whether or not he is guilty beyond reasonable doubt.

⁴⁰ CA rollo, pp. 90-92.

⁴¹ *Id.* at 97-98.

⁴² Rollo, p. 20.

The Court's Ruling

The appeal is unmeritorious.

Villegas argues that the prosecution's circumstantial evidence fell short of the required quantum of proof beyond reasonable doubt. He asserts that suspicion cannot give probative force to a testimony which in itself is insufficient to establish an inference or a fact.⁴³ He likewise points out the inconsistencies in the testimonies of the prosecution witnesses. Moreover, Villegas questions why his defense of alibi was not given merit and why the testimonies of the witnesses for the defense were not considered.⁴⁴ He posits that when the circumstances shown to exist yield at least two inferences – one of which is consistent with the presumption of innocence and the other with a finding of guilt – the Court must acquit the accused because the evidence does not fulfill the test of moral certainty to support a judgment of conviction.⁴⁵

Plaintiff-appellee counters that the circumstances surrounding the case established the elements of rape with homicide and lead to no other conclusion than that Villegas was guilty of the crime charged.⁴⁶ Moreover, it argues that Villegas' defenses of denial and alibi should not be considered given the possibility that he was in the vicinity of the crime scene, and thus he could have committed the crime especially since he admitted that he was with AAA on the day and time she disappeared.⁴⁷

It is a known criminal law concept that rape with homicide is a special complex crime or "two or more crimes that the law treats as a single indivisible and unique offense for being the product of a single criminal impulse."⁴⁸ The said felony is penalized by Articles 266-A, paragraph (1), and 266-B of the Revised Penal Code, as follows:

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 is otherwise unconscious;

⁴³ CA rollo, p. 34.

⁴⁴ *Id.* at 41.

⁴⁵ *Id.* at 42.

⁴⁶ *Id.* at 73-75.

⁴⁷ *Id.* at 75-76.

⁴⁸ *People v. Balisong*, 792 Phil. 837, 847 (2016), citing *People v. De la Cruz*, 711 Phil. 566, 571 (2013).

- 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.

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

X X X X

When by reason or on the occasion of the rape, homicide is committed, the penalty shall be death.⁴⁹

The elements of the special complex crime of rape with homicide are as follows: “(1) the appellant had carnal knowledge of a woman; (2) carnal knowledge of a woman was achieved by means of force, threat or intimidation; and (3) by reason or on occasion of such carnal knowledge by means of force, threat or intimidation, the appellant killed a woman.”⁵⁰

In this case, the post-mortem examination of AAA’s body revealed that she had lacerations on her private parts and that she recently lost her virginity, which more likely meant that the assailant had carnal knowledge of her. Moreover, the contusions, abrasions, and injuries on her body, and more importantly the head injury, signify that such carnal knowledge was achieved by means of force and intimidation which eventually led to AAA’s death. The testimonies of the medico-legal as well as those of the other prosecution witnesses, when considered together, inevitably lead to the conclusion that Villegas committed the felony.

Also, “[j]urisprudence 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.”⁵¹ Hence, as the testimonies of the prosecution witnesses corroborated each other on material points, these should be given great weight since the trial court found these testimonies more convincing. Consequently, the Court sees no reason to deviate from the factual findings of the trial court (and the CA) absent any indication that it committed any error in its appreciation of the evidence that Villegas was guilty of the charge.⁵²

⁴⁹ REVISED PENAL CODE, Articles 266-A and 266-B, as amended by Republic Act No. 8353 (1997).

⁵⁰ *People v. Balisong*, *supra* note 48 at 848, citing *People v. Broniola*, 762 Phil. 186, 193 (2015).

⁵¹ *People v. Roy*, G.R. No. 225604, July 23, 2018, citing *People v. Barcelá*, 734 Phil. 332, 342 (2014).

⁵² *People v. Traigo*, 734 Phil. 726, 730 (2014).

With regard to Villegas' defenses of denial and alibi, it is settled that "both denial and alibi are inherently weak defenses which cannot prevail over the positive and credible testimony of the prosecution witness that the accused committed the crime. Thus, as between a categorical testimony which has a ring of truth on one hand, and a mere denial and alibi on the other, the former is generally held to prevail. For the defense of alibi to prosper, it must be sufficiently convincing as to preclude any doubt on the physical impossibility of the presence of the accused at the *locus criminis* or its immediate vicinity at the time of the incident."⁵³ In the case at bench, while Villegas maintained that he was at the house of Ronilo when the crime was committed, there was no dispute that the abandoned house was accessible via public (or private) transportation and that it would have only taken around ten (10) to fifteen (15) minutes to traverse the distance. Since there was a great possibility that Villegas was in the vicinity at the time of the commission of the felony, his defense of alibi fails. In the same way, his denial of the charge was negated by the circumstantial evidence which already established his guilt.

As for the penalties, the CA correctly affirmed the imposition of *reclusion perpetua* without eligibility for parole in light of the proscription on the imposition of the death penalty as mandated by Republic Act No. 9346. However, pursuant to recent jurisprudence, the awards for moral damages and exemplary damages should be increased to PhP 100,000.00 each.⁵⁴ In addition, temperate damages in the amount of PhP 50,000.00 should be awarded to the heirs of AAA.⁵⁵

In conclusion, We hereby affirm Villegas's conviction for rape with homicide as it was proven beyond reasonable doubt through circumstantial evidence. However, the appropriate modifications to the penalty and monetary awards should be made in order to conform to recent jurisprudence.


WHEREFORE, the instant appeal is hereby **DISMISSED**. The assailed September 24, 2014 Decision rendered by the Court of Appeals in CA-G.R. CEB-CR HC No. 01553, finding accused-appellant Noli L. Villegas, Jr. guilty beyond reasonable doubt of rape with homicide and sentencing him to suffer the penalty of *reclusion perpetua* without eligibility for parole, is hereby **AFFIRMED with MODIFICATIONS** in that the awards for moral damages and exemplary damages are increased to PhP 100,000.00 each. In addition, temperate damages of PhP 50,000.00 is awarded.

⁵³ *People v. Batalla*, G.R. No. 234323, January 7, 2019, citing *People v. Cataytay*, 746 Phil. 185, 195 (2014).

⁵⁴ *People v. Jugueta*, 783 Phil. 806, 850 (2016); *People v. Colentava*, 753 Phil. 361, 381 (2015), citing *People v. Gambao*, 718 Phil. 507, 531 (2013).

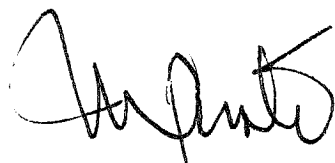
⁵⁵ *People v. Jugueta*, *id.* at 853.

SO ORDERED.

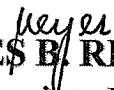


RAMON PAUL L. HERNANDO
Associate Justice

WE CONCUR:


DIOSDADO M. PERALTA
Associate Justice
Chairperson


MARVIC M.V.F. LEONEN
Associate Justice


ANDRES B. REYES, JR.
Associate Justice

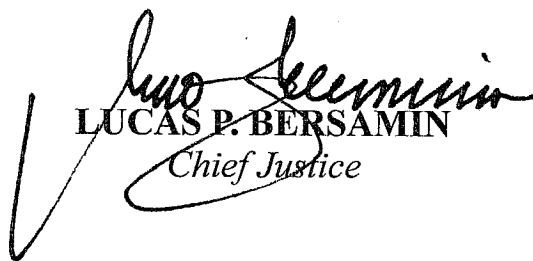
On official leave
HENRI JEAN PAUL B. INTING
Associate Justice

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.

**DIOSDADO M. PERALTA***Associate Justice**Chairperson***CERTIFICATION**

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

**LUCAS P. BERSAMIN***Chief Justice***CERTIFIED TRUE COPY**

MisPOCBatt
MISAELO DOMINGO C. BATTUNG III
Deputy Division Clerk of Court
Third Division

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