

Republic of the Philippines
Supreme Court
Manila

SUPREME COURT OF THE PHILIPPINES
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THIRD DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff-Appellee,

G.R. No. 247631

Present:

LEONEN, J., *Chairperson,*
HERNANDO,*
INTING,
DELOS SANTOS, and
LOPEZ, J., *JJ.*

- versus -

ZALDY SORIANO y BLACER,
a.k.a. "Mode",
Accused-Appellant.

Promulgated:

June 14, 2021

Mis+DCBatt

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DECISION

LOPEZ, J., J.:

The Case

This appeal seeks to reverse and set aside the Decision¹ dated January 17, 2019 of the Court of Appeals (CA) in CA-G.R. CR-HC No. 08688, which affirmed with modification the trial court's verdict of conviction against accused-appellant Zaldy Soriano y Blacer (accused-appellant) for rape.

Antecedents

Accused-appellant was charged with rape under the following Information, viz.:

* On leave.
¹ Penned by Associate Justice Sesinando E. Villon (ret.), with Associate Justices Edwin D. Sorongon and Germano Francisco D. Legaspi, concurring, *rollo*, pp. 3-18.

CRIMINAL CASE NO. OD-2012

That on or about the 6th day of December 2010, at around 5:00 o'clock in the afternoon, at [REDACTED], Philippines, and within the jurisdiction of this Honorable Court, the said accused, using force, threat and intimidation, did then and there willfully, unlawfully and feloniously have carnal knowledge of [AAA],** who is 19 years old, without her consent and against her will.

CONTRARY TO LAW.²

Accused-appellant pleaded not guilty when arraigned. Trial on the merits ensued as a matter of course.³

Version of the Prosecution

On December 6, 2010, at [REDACTED], at about 5 o'clock in the afternoon, AAA had just arrived at her home from buying noodles at a store when accused-appellant talked to her and asked her if she knew where accused-appellant's uncle is. At that time, AAA was alone because her live-in partner, BBB, went to his uncle to order charcoal. AAA knew accused-appellant because he was a resident of the same *barangay*.⁴

Thereupon, accused-appellant entered AAA's house under the pretext that he was looking for his uncle. AAA noticed that accused-appellant was drunk at the time because she smelled the scent of alcohol from him. After looking around in her house, accused-appellant suddenly pulled AAA, embraced her and kissed her. AAA shouted for help and tried to extricate herself from his hold, but to no avail.⁵

AAA fell on the ground as she was trying to free herself from accused-appellant who sat beside her while still embracing her. Afterwards, accused-appellant lowered AAA's shorts and her panties. AAA tried to struggle, but accused-appellant was holding a *bolo* which he poked at her neck. He then placed himself on top of AAA, then ordered her to go upstairs and he carried her upstairs. She was already half-naked at that time. However, knowing that her live-in partner BBB, who was his acquaintance, might be arriving soon, accused-appellant changed his plans and instead brought AAA to a nearby pasture land with barbed wire and fence. There

** The name of the victim was replaced with fictitious initials and her personal circumstances were blotted out pursuant to Supreme Court Administrative Circular No. 83-2015 dated July 27, 2015.

² Records, p. 1.

³ *Rollo*, p. 4.

⁴ *Id.*

⁵ *Id.*

were no neighbors nearby. Both accused-appellant and AAA were already clad in shorts before going there.

Subsequently, accused-appellant told AAA to stop at the big tree in the pasture land as he undressed himself by taking off his shorts. While he was undressing himself, AAA remained lying on the ground in fear because a *bolo* was poked at her. After undressing himself, accused-appellant sat on AAA and kissed her face and breasts. She could not kick him because the *bolo* was poked at her neck. After kissing her from her face to her breasts, accused-appellant forcibly spread her legs and inserted his penis into her vagina. AAA felt pain, but she did not move because of the *bolo* still pointed at her. Accused-appellant then proceeded to push and pull his penis into her vagina. AAA was crying while he was doing the act. She asked accused-appellant why he was doing that to her and he answered that he was really in love with her but she chose BBB over him. After finishing the act, accused-appellant told AAA not to tell BBB what had just happened or else he would kill her.⁶

Thereafter, AAA went to the parents of BBB to tell them what had just happened. Subsequently, AAA, together with the parents of BBB, reported the incident to the *barangay* captain and they then proceeded to the OOO police station to report the crime. BBB then arrived at the police station and became very angry after learning of what had just happened. A *Sinumpaang Salaysay* of AAA was taken at the police station by PO1 HHH. AAA's report on the incident at the police station was made at about 7:30 p.m. Due to the said report, PO3 PPP proceeded to the location of the incident on the same day. PO3 PPP and four other police officers located the accused-appellant in the place of his uncle the next day. They were assisted by two (2) *barangay* officials in going to the house of the uncle of accused-appellant. Thereafter, they invited accused-appellant to the police station for investigation. Accused-appellant was then turned over to the women's desk and was investigated by PO1 HHH. The arrest of accused-appellant was effected after he had been positively identified by AAA. Likewise, accused-appellant was informed of his Miranda rights.⁷

Later, AAA proceeded to the nearby hospital to get herself examined. She was physically examined by Dr. Gaudencio Formadero (Dr. Formadero) at the Romblon General Hospital. He noted that her vagina has erythema and redness in the vaginal orifice. Likewise, he noted the presence of spermatozoa in her vaginal canal. The result of the physical examination was reduced into writing in a Medical Certificate issued by Dr. Formadero.⁸

⁶ *Id.* at 4-5.

⁷ *Id.* at 5.

⁸ *Id.*

Version of the Defense

In response, the defense presented the testimony of accused-appellant to prove his defense of *alibi*. According to the accused-appellant, on December 6, 2010, he was in the house of his uncle in another *sitio*. Around 10 o'clock in the morning, he brought a pig to another *barangay* to be butchered on a wake. After that, he went home and stayed there until the next day that he was arrested and brought to the police station.⁹

Judgment of the RTC

After trial, the RTC rendered a Decision of conviction. The trial court noted that the testimony of the victim is more natural and consistent with human nature and the normal course of things. The trial court also junked the defense of *alibi* proffered by the accused-appellant.¹⁰ The *fallo* reads:

WHEREFORE, in view of the foregoing this Court finds the accused [CCC], GUILTY beyond reasonable doubt of the crime of RAPE and hereby sentences him to suffer the penalty of *reclusion perpetua*. Accused is likewise, ordered to indemnify the victim for moral damages in the amount of ₱50,000.00.

Let a Commitment Order be issued forthwith.

SO ORDERED.¹¹

Proceedings before the Court of Appeals

On appeal, the accused-appellant argued that the trial court erred in convicting him despite the flawed, inconsistent and improbable testimony of the victim as well in disregarding his defense.

The Office of the Solicitor General (OSG) maintained that the trial court correctly convicted the accused-appellant of the crime of rape.¹²

The Ruling of the Court of Appeals

As stated above, the CA affirmed the trial court's conviction of the accused-appellant for the crime of rape. It was further noted by the appellate

⁹ CA rollo, pp. 41-42.

¹⁰ *Id.* at 42.

¹¹ *Id.*

¹² *Id.* at 75.

court that the prosecution had proved beyond any scintilla of doubt that accused-appellant committed the crime of rape as charged in the information.¹³ The appellate court, likewise, rejected the accused-appellant's *alibi*. Thus:

WHEREFORE, in view of the foregoing, the Decision dated September 21, 2016 of the Regional Trial Court (RTC) of [REDACTED], Branch [REDACTED], is hereby **AFFIRMED** with the **MODIFICATION** in that the amount of Moral Damages is increased to ₱75,000.00, and the victim is further awarded Civil Indemnity and Exemplary Damages, in the amount of ₱75,000.00 each. Interest is hereby imposed on the total amount of damages awarded, at the legal rate of six percent (6%) *per annum*, until the same are fully paid.

In all other respects, the herein appealed Decision is hereby **AFFIRMED**.

SO ORDERED.¹⁴

Hence, this appeal.

Accused-appellant seeks affirmative relief from this Court and prays anew for his acquittal. The accused-appellant and the Office of the Solicitor General (OSG) both manifested that they would no longer be submitting supplemental briefs; instead they would be adopting the Briefs they submitted in the CA.¹⁵ Thus, the case was deemed submitted for decision.

Issue

Did the CA err in affirming the conviction of the accused-appellant?

The Court's Ruling

The appeal is unmeritorious.

We note at the outset that the RTC and the CA both found AAA's testimony to be credible. Consequently, it became incumbent upon the accused-appellant to present clear and persuasive reasons to persuade the Court to reverse their unanimous determination of her credibility as a witness in order to resolve the appeal his way. Unfortunately, the accused-appellant was not able to discharge his burden, and, consequently, We

¹³ *Rollo*, p. 16.

¹⁴ *Id.* at 17.

¹⁵ The accused-appellant submitted a *Manifestation in Lieu of Supplemental Brief* on November 12, 2019, *id.* at 33-34; The OSG submitted a *Manifestation* on November 18, 2019, *id.* at 27-28.

declare that the CA aptly held that:

The RTC correctly ruled that AAA's testimony is credible. She was able to describe how the crime of rape was committed by appellant. Her narrations of the incident were clear and detailed as she vividly remembered the harrowing experience that she had in the hands of appellant. Time and again, the High Court has ruled in numerous cases that "the credibility of witnesses and their testimonies are matters best undertaken by the trial court, because of its unique opportunity to observe the witnesses firsthand and to note their demeanor, conduct and attitude. Findings of the trial court on such matters are binding and conclusive on the appellate court, unless some facts or circumstances of weight and substance have been overlooked, misapprehended or misinterpreted. Appellant has shown no reason why this Court should depart from the findings and conclusion of the trial court, in light of this well-settled doctrine, and indeed We find none. It is also an established principle that in rape cases the accused may be convicted solely on the testimony, as and when sufficiently credible, given by the rape victim.¹⁶

Settled is the rule that the trial court's evaluation and conclusion on the credibility of witnesses in rape cases are generally accorded great weight and respect, and at times even finality, and that its findings are binding and conclusive on the appellate court, unless there is a clear showing that they were reached arbitrarily or it appears from the records that certain facts or circumstances of weight, substance or value were overlooked, misapprehended or misappreciated by the lower court and which, if properly considered, would alter the result of the case. Having seen and heard the witnesses themselves and observed their behavior and manner of testifying, the trial court stood in a much better position to decide the question of credibility. Indeed, trial judges are in the best position to assess whether the witness is telling the truth or lying as they have the direct and singular opportunity to observe the facial expression, gesture and tone of voice of the witness while testifying.¹⁷

Here, the unimpeached testimony of AAA satisfactorily proved the two elements under Article 266-A of the Revised Penal Code:¹⁸ 1) the offender had carnal knowledge of a woman; and (2) the offender accomplished such act through force or intimidation, or when the victim was deprived of reason or otherwise unconscious, or when she was under twelve

¹⁶ *Rollo*, pp. 8-9.

¹⁷ *People v. Batalla*, G.R. No. 234323, January 7, 2019.

¹⁸ ART. 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;
c. By means of fraudulent machination or grave abuse of authority;
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.

(12) years of age or was demented.¹⁹ We reiterate that AAA's testimony was candid, straightforward, and worthy of belief. The portion of AAA's testimony is herein reproduced:

Q: Can you still remember when this raping incident happened?

A: Yes, sir.

Q: Do you remember how many times this happened?

A: Yes, sir.

Q: How many times?

A: Once, sir.

Q: When?

A: December 6, 2010, sir.

Q: Whereat?

A: Sitio [REDACTED], sir.

Q: And where were you then at that time?

A: In the house, sir.

Q: What are you doing?

A: I just came from the store where I bought noodles, sir.

Q: Do you understand that I am your counsel?

A: Yes, sir.

Q: And you are not afraid to tell the Court?

A: Yes, sir.

Q: Do you remember what time when you arrived in your house after buying your noodles?

A: More or less five in the afternoon, sir.

Q: Were you alone?

A: Yes, sir.

Q: Where is your live-in partner at that time?

A: He went to his uncle to get the ordered charcoal, sir.

Q: Are you living just as (sic) your own or with your parents?

A: Living by our own, sir.

Q: And you said the accused came?

A: Yes, sir.

Q: And what did he do?

A: He asked me if I have meet (sic) a man for he is looking for his uncle name (sic) 'daya', sir.

Q: Do you know the accused personally?

¹⁹ *People v. Siwalat*, G.R. No. 227749, September 22, 2020.

A: Yes, sir.

Q: Why do you know him?

A: He is also a resident of same (sic) *barangay*, sir.

Q: So you frequently meet the accused?

A: By the road, sir.

Q: What did you reply when he asked you?

A: I replied, none, sir.

Q: What happen (sic) next?

A: While looking for his uncle, he entered the house looking around, sir.

Q: Is (sic) his uncle frequently go in your house?

A: I met the accused when I came from the store after buying the noodles, sir.

Q: What is the condition of the accused when he entered your house and asking (sic) for his missing uncle?

A: As if he is (sic) drunk, sir.

Q: Did you smell something?

A: Yes, sir.

Q: After searching, what happen (sic) next?

A: He embraced me and I shouted then he pulled me and kissed me on my lips, sir.

Q: How did he embrace you?

A: By his right hand and his left hand he placed (it) on my mouth using as covering [for] my mouth, sir.

Q: Was he in front or at your back?

A: From behind, sir.

Q: What was your first reaction?

A: I shouted for help and tried to extricate myself, sir.

Q: What happen (sic) after that?

A: I fell on the ground, sir.

Q: When you fell on the ground, what happen (sic) next?

A: He sat on my side and still embracing me, then he lowered his short[s] and he likewise undress (sic) me. (Witness crying).

Q: How was he able to undress himself when he was embracing you?

A: He let go of his hand and he undress (sic) himself and pulled my short[s] until the buttons was (sic) destroyed, sir.

Q: What kind of clothing is your short[s]?

A: Made of khaki (sic) with zipper and buton, sir.

Q: Was he able to pull it?

9

A: Yes, sir.

Q: What about your underwear?

A: After the pulling of the short[s], the panty (sic) was being pulled also, sir.

Q: You did not struggle?

A: I struggled sir, but his left hand is holding a bolo, sir.

Q: How long is that bolo?

A: As demonstrated by the witness, a long *bolo*.

Q: What did you feel (sic) when it was being pointed to you?

A: I got afraid me (sic) might bolo me, sir.

Q: You feel (sic) very afraid?

A: Yes, sir.

Q: Which part of your body (did) he pointed (sic) the bolo at you (sic)?

A: In (sic) my neck, sir.

Q: And you feel (sic) it?

A: Yes, sir.

Q: It is really touching your neck the blade of the bolo?

A: Only poking my right neck, sir.

Q: What happen (sic) next after he pulled down your panty (sic)?

A: He ride (sic) on top of me and I was told to go upstairs.

Q: When he ride (sic) on top of you, he was not able to make his carnal knowledge?

A: Not yet, sir.

Q: How was he able to brought (sic) you upstairs?

A: He pulled me going up, sir.

Q: And you were half naked at that time?

A: Yes, sir.

Q: And then what did he do[,] what happen (sic) upstairs?

A: Nothing happened upstairs because my live-in-partner [BBB] might catch him, sir.

Q: Did [BBB] personally knew (sic) the accused?

A: Yes, sir.

Q: Why?

A: They are living in the same *barangay*, sir.

Q: And then what did he do next after you were not rape (sic) there?

A: I was pushed towards the pasture land of the cow, sir.

Q: Where (sic) there neighbors?

9

A: Very far, sir.

Q: What (sic) is your nearest neighbor from where you are now seated?

A: From here up to that Foursquare Church, sir.

x x x x

Q: Is this pasture land an open space?

A: With barbed wire fence, sir.

Q: When you were brought there, both of you were half naked?

A: He wore his short[s] after going down from the house, sir.

Q: When you go (sic) down from upstairs you first wear (sic) your under garment?

A: Yes, sir and he was carrying that bolo, sir.

Q: Did you wear your underwear?

A: Only short[s], sir.

Q: And you went where?

A: Inside the pasture land, sir.

Q: What is the distance of that pasture land where you were brought from your house?

A: Near, sir.

Q: Example this is your house (where the witness was seated on the witness stand), where is the pasture land from here, would you point any direction?

A: From here up to the Children's Paradise.

Q: What happen (sic) next?

A: I was told to stop at the big tree, sir.

Q: And then?

A: He undress (sic) himself by taking off his short[s], sir.

Q: And how about you, what were you doing when he was undressing himself?

A: I was lying down with his bolo poked on (sic) me, sir.

Q: What did you feel?

A: I feel (sic) afraid, sir.

Q: What happen (sic) when he undress (sic) his short[s]?

A: He sat on my feet and kissed me, sir.

Q: Where[,] in what particular part of your body did he kiss you?

A: On my face and on my breast[s], sir.

Q: You did not kick him on his ball[s]?

A: I was not able to kick him the bolo is (sic) on my neck, sir.

Q: Until (sic) where?

A: My breast[s] then he laid on top of me, sir.

Q: What did he do when he laid on top of you?

A: He inserted his penis in my vagina, sir.

Q: Was he able to insert his penis?

A: Yes, sir.

Q: By holding his penis with his hand?

A: Yes, sir.

Q: How about you, you did not cross your legs?

A: He spread my legs while lying on top of me, sir.

Q: What did you feel?

A: I felt pain, I cannot move[,] his other hand was still holding his bolo and poked on (sic) me, sir.

Q: How long did he stay inside of you?

A: Until he finished, sir.

Q: Did he do push[-]and[-]pull motion?

A: Yes, sir.

Q: How (sic) did you feel during that time?

A: I am crying, sir.

Q: What did you say[,] if there was any?

A: Why are you doing this to me[?]

Q: Did he answer?

A: He told me that he is really in love with me ever since but [BBB] is my love, sir.

Q: What happen (sic) when it was finished?

A: I was told not to tell [BBB] or he will kill me, sir.

Q: Did you tell [BBB]?

A: That time [BBB] is not yet home and I reported the matter to the parents of [BBB], sir.

Q: After that what did the accused do?

A: According to him, if [BBB] is around he will be coming to me, sir.

Q: To what?

A: To go to me, sir.

Q: Did you tell [BBB] later on?

A: Yes, sir.

Q: What did [BBB] do?

A: [BBB] got mad when [BBB] arrived we were still in the police station of [REDACTED], sir.

Q: Do you mean to say, you immediately reported to the police with your

parents-in-law?


A: Yes, sir. We passed first the barangay captain then proceeded to the police station, sir.²⁰

Lastly, we uphold the denial of the accused-appellant's flimsy defense. As we have stated in the past, alibi is an inherently weak defense. Unless supported by clear and convincing evidence, it cannot prevail over the positive declaration of a victim who, in a natural and straightforward manner, convincingly identifies her assailant.²¹

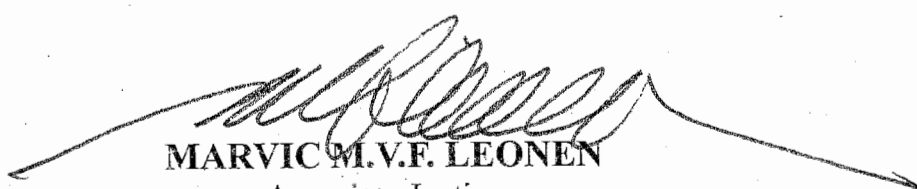
Thus, the Court does not find any reason to deviate from the findings of the courts below as to accused-appellant's guilt.

WHEREFORE, we **AFFIRM** the Decision dated January 17, 2019. Accused-appellant **ZALDY SORIANO y BLACER** is: (a) **DECLARED GUILTY BEYOND REASONABLE DOUBT of RAPE**, as defined under Article 266-A of the Revised Penal Code and penalized with *reclusion perpetua*; and (b) **ORDERED TO PAY AAA ₱75,000.00** as civil indemnity, ₱75,000.00 as moral damages, and ₱75,000.00 as exemplary damages, plus interest of six percent (6%) *per annum* on all the items of civil liability reckoned from the finality of judgment until fully paid.

SO ORDERED.


JHOSEPH LOPEZ
Associate Justice

WE CONCUR:


MARVIC M.V.F. LEONEN
Associate Justice
Chairperson


²⁰ TSN, August 8, 2012, pp. 5-14.

²¹ *Altoveros v. People*, G.R. No. 236742 (Notice), April 16, 2018.

9


On leave
RAMON PAUL L. HERNANDO
Associate Justice


HENRI JEAN PAUL B. INTING
Associate Justice


EDGARDO L. DELOS SANTOS
Associate Justice

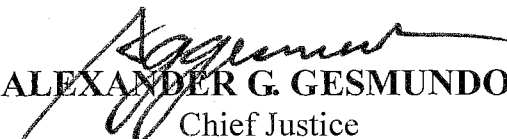
ATTESTATION

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.


MARVIC M.V.F. LEONEN
Associate Justice
Chairperson, Third Division

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, and the Third 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.


ALEXANDER G. GESMUNDO
Chief Justice

9