



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. 250934

Present:

- versus -

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

MELFORD BRILLO y DE
 GUZMAN,
Accused-Appellant.

Promulgated:

June 16, 2021

MisD CBatt

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DECISION

DELOS SANTOS, J.:

“In order to escape accountability for his crimes, the perpetrator does everything in his power to promote forgetting. If secrecy fails, the perpetrator attacks the credibility of his victim. If he cannot silence her absolutely, he tries to make sure no one listens.”

— Judith Lewis Herman, *Trauma and Recovery: The Aftermath of Violence - From Domestic Abuse to Political Terror*

This Appeal¹ assails the March 1, 2019 Decision² of the Court of Appeals (CA) in CA-G.R. CR-H.C. No. 10254, which affirmed with

* On official leave.

** Designated as additional member in lieu of Associate Justice Jhosep Y. Lopez per Raffle dated February 17, 2021.

¹ Rollo, pp. 13-14. Notice of Appeal dated March 18, 2019.

² Id. at 3-12. Penned by Associate Justice Priscilla J. Baltazar-Padilla, with Associate Justices Jhosep Y. Lopez (now a Member of the Court) and Perpetua T. Atal-Paño, concurring.

modification the November 21, 2017 Judgment³ of the Regional Trial Court (RTC) of Olongapo City, Branch 73, convicting Melford Brillo y De Guzman (accused-appellant) in Criminal Case No. 160-2011FC.

The Facts

On June 17, 2011, accused-appellant was indicted for the crime of Rape under Article 266-A, par. 1(b) of the Revised Penal Code (RPC), as amended by Republic Act No. (RA) 8353, in relation to RA 7610 before the RTC. The Information reads:

That on or about the first (1st) day of October, 2010, in the [REDACTED], Philippines and within the jurisdiction of this Honorable Court, the above-named accused, with lewd design did then and there wilfully, unlawfully, feloniously and by means of force, intimidation and taking advantage of her intoxication, have sexual intercourse with said minor child ["AAA"],⁴ fifteen (15) years of age by then and there inserting his penis into the vagina of said minor child ["AAA"] against her will and consent. The above act of the accused debases, degrades and demeans the intrinsic worth and dignity of said minor as a human being and impairs her normal growth and development, to her damage and prejudice.

CONTRARY TO LAW.⁵

Upon arraignment, accused-appellant pleaded not guilty to the crime charged. Thereafter, trial ensued.⁶

Evidence of the Prosecution

To prove the guilt of the accused, the prosecution presented the victim, AAA while the testimonies of two (2) other witnesses, namely: BBB and Dr. Rolando Marfel Ortiz (Dr. Ortiz) were stipulated upon by the parties.

The prosecution established that on October 1, 2010, AAA, who was then 15 years old, accompanied her friend, EEE, to meet the latter's boyfriend, FFF.⁷ Upon AAA and EEE's arrival at the meeting place, they were greeted by FFF who was with his friends, namely: "GGG", "HHH",

³ CA rollo, pp. 50-61. Rendered by Acting Presiding Judge Ma. Cristina J. Mendoza-Pizarro.

⁴ In conformity with Administrative Circular No. 83-2015 (*Subject Protocols and Procedures in the Promulgation, Publication, and Posting on the Websites of Decisions, Final Resolutions and Final Orders Using Fictitious Names/Personal Circumstances*), the complete names and personal circumstances of the victim's family members or relatives, who may be mentioned in the court's decision or resolution have been replaced with fictitious initials.

⁵ Rollo, pp. 3-4.

⁶ Id. at 6.

⁷ TSN, August 16, 2013, pp. 4-6.

“LLL” and “JJJ”. KKK, who was also a friend of FFF, joined the group and along with KKK was accused-appellant, who was then 21 years old. Afterwards, they all proceeded to the house of LLL to have a drinking spree.⁸ As soon as they arrived at the said house, AAA and EEE rested while GGG and LLL went out to buy liquor. When they returned, the group drank the liquor, particularly Emperador Brandy, while AAA opted to drink juice.⁹ However, GGG, HHH, LLL and accused-appellant forced AAA to drink the liquor by placing the glass half-filled with it in her mouth. The drinking spree started at around 4:00 in the afternoon and lasted for two (2) hours. After some time, AAA got dizzy which prompted her to go to a bedroom wherein she passed out.¹⁰ She woke up at around 6:00 in the evening but decided to go back to sleep as she was not feeling well.¹¹

At around 9:00 in the evening, AAA awakened and found herself naked inside the room but this time, she saw that accused-appellant was also naked and on top of her. Worse, accused-appellant then proceeded to have sexual intercourse with her.¹² Upon realizing what was happening, AAA tried to push accused-appellant away but the latter punched her making her lie down. Accused-appellant, thereafter, held both of AAA’s hands up and forced himself into her.¹³ Meanwhile, FFF, GGG, HHH and LLL, who were then talking and laughing, were beside the bed with their cellular phones on and it appeared that they were taking a video of both AAA and appellant. When AAA regained control of her faculties, she tried to look for her things but was informed that EEE took them with her. She then left the house and proceeded to a friend’s house.¹⁴

AAA recalled that she was able to recognize accused-appellant, FFF, GGG, HHH, and LLL inside the room through the lights of their cellular phones and from the light emanating from the kitchen, as the room was partitioned by a curtain which was slightly open. Although AAA met accused-appellant only that day, AAA is familiar with him, as she often sees him in school. She knew accused-appellant to be homosexual. After all of the companions of accused-appellant fled out of the room, accused-appellant still forced himself into AAA while the latter continually resisted, albeit in vain.¹⁵

On October 4, 2010, AAA submitted herself to a medico-legal examination. She was examined by Dr. Ortiz who diagnosed her to have lacerations in the 4, 6 and 8 o’clock positions, to wit:

⁸ Id.

⁹ Id. at 9.

¹⁰ Id. at 8-9; TSN, March 14, 2014, p. 4.

¹¹ *Rollo*, p. 4.

¹² TSN, August 16, 2013, pp. 9-10; TSN, March 14, 2014, p. 4.

¹³ Id. at 10; id. at 6.

¹⁴ *Supra* note 10.

¹⁵ Records, p. 8.

P.E. - Essentially normal physical exam

PELVIC EXAM:

INSP.: - normal looking external genitalia

- nonporous introitus

- Lacerated wound, 1.25 cm, post, fourchette

- Contusion labia minora, from 2 o'clock position to 10 o'clock position

- Hymenal laceration, complete 4 o'clock, 6 o'clock and 8 o'clock position (-) hemorrhages (-) fibrous formation seen (+) congested edges of laceration (+) coaptible borders of laceration (+) sharp angulation of corners of laceration

I.E. - admits 1 examining finger w/ tenderness¹⁶

Evidence of the Defense

For the defense, only the accused-appellant was presented as witness.¹⁷ His testimony is summarized as follows:

Accused-appellant averred that there is no truth to the accusation against him. He declared that on October 1, 2020, he was a participant of the school's cheer dance team for their intramurals. At around 3:00 in the afternoon, KKK invited him to a nearby street and upon reaching that street they met AAA, EEE, FFF, GGG, HHH, LLL and JJJ. From there, they proceeded to the house of a certain "Erwin" who was a friend of LLL, where they decided to have the drinking session. At the outset of their drinking session, accused-appellant already noticed that AAA was getting herself drunk as she was being naughty and a showboat in drinking the liquor that his companions bought. Thus, accused-appellant confronted AAA to stop drinking but the latter would not give in, causing the former to get irked at her. Accused-appellant then distanced himself from AAA as he could not stomach seeing a girl being drunk. Meanwhile, AAA continued drinking and smoking until after sometime when EEE told her to rest and sleep.¹⁸

When it was about time to leave, EEE tried to awaken AAA but the latter refused to budge. In the end, EEE left AAA behind. During this time, accused-appellant decided to retrieve his cellular phone from his bag which happened to be in the room where AAA was sleeping. When he reached for his bag, AAA suddenly grabbed him, kissed him and hugged him tightly. He was astonished by this kind of gesture from AAA and he surmised that AAA may not have known that he was a homosexual. JJJ even saw what happened and laughed as he also knew that accused-appellant is homosexual. Thereafter, AAA told accused-appellant to let HHH and LLL enter the room, to which accused-appellant then went to the bathroom to relieve himself and on his return he noticed that JJJ was the only one left by

¹⁶ Id. at 106.

¹⁷ Id.

¹⁸ TSN, March 17, 2017, pp. 4-5; *rollo*, p. 5.

the hammock. This prompted him to ask for the whereabouts of GGG. JJJ, however, jokingly told accused-appellant that GGG was having a good time, prodding accused-appellant to go inside the room. There, he saw GGG, who was naked and lying on top of AAA. This surprised accused-appellant which made him immediately walk out of the room. He eventually told JJJ to check up on GGG and AAA.¹⁹

Moments later, GGG and JJJ emerged from the room and accused-appellant even joked to GGG and said, “*talagang niyari niya.*” GGG just laughed and at around 7:00 in the evening, their companions arrived. Accused-appellant told all of them what transpired between him and AAA and what he witnessed between GGG and AAA. They all laughed and even teased accused-appellant to AAA, to which the latter even smiled at accused-appellant. As their companions went out of the house, AAA looked for her faculties and would not believe them when accused-appellant said that EEE took them with her. AAA went to every room looking for her things thereby disturbing the occupants of the said house. As a result of the disturbance, the owner of the house had to ask AAA to leave but the latter refused to go home as her mother does not know that she drinks and smokes. AAA then proceeded to reason out that she told her mother that she would be spending the night at a friend’s house. Nevertheless, the house owner insisted that she leave. Accused-appellant even accompanied AAA to the corner block when she left.²⁰

The RTC Ruling

On November 21, 2017, the RTC rendered the assailed Judgment,²¹ wherein it gave full credence and probative weight to the evidence of the prosecution, especially to the testimony of the victim, AAA. Pertinent portion of the said Judgment are reproduced below:

WHEREFORE, premises considered, the court finds the accused MELFORD BRILLO y DE GUZMAN guilty beyond reasonable doubt of the crime of Rape (Violation of Article 266-A par.1 of the Revised Penal Code, as amended by RA 8353) and he is hereby sentenced to suffer imprisonment of *reclusion perpetua*.

Accused MELFORD BRILLO y DE GUZMAN [is] likewise adjudged to pay the minor [“AAA”] the amount of FIFTY THOUSAND PESOS (P50,000.00), as moral damages, FIFTY THOUSAND PESOS (P50,000.00), as civil indemnity and THIRTY THOUSAND PESOS (P30,000.00)[,] as exemplary damages.

SO ORDERED.²²

¹⁹ Id.; id.

²⁰ Id.; id.

²¹ Supra note 3.

²² CA *rollo*, p. 61.

The RTC held that AAA is a 15-year-old, 4th year high school student, while accused-appellant is a 21-year-old man. There was no question that AAA was drunk at the time as even accused-appellant said that he and their other companions had to admonish her because she appeared to be drunk and had been drinking too much. It was during this state of intoxication, where it was impossible for her to give her consent to any sexual advances, that she was sexually assaulted. Her claim of sexual assault was further bolstered by the Medico-Legal Certificate²³ issued to her after undergoing medical examination on October 4, 2010 or about three days after the incident.²⁴

Nonetheless, it has been often ruled that when a woman declares that she has been raped, she says in effect all that is necessary to mean that she has been raped. If indeed AAA was not truthful to her accusation, she would not have opened herself to the rough and tumble of a public trial and the humiliation that goes with it, go to the length of going to the police to narrate her harrowing experience and allow an intrusion into her private parts. The victim's moral character in rape cases is immaterial where, as in this case, it was shown that the victim was deprived of reason or was rendered unconscious through intoxication to enable accused-appellant to have sexual intercourse with her. After all, the essence of rape is the carnal knowledge of a woman against her consent.²⁵

Aggrieved, accused-appellant appealed the court a *quo's* Judgment before the CA.²⁶

The CA Ruling

In his appeal in the CA, accused-appellant imputed the following errors to the RTC, namely:

I.

THE RTC GRAVELY ERRED IN FINDING ACCUSED-APPELLANT GUILTY OF THE CRIME CHARGED DESPITE AAA'S INCREDIBLE AND IMPROBABLE TESTIMONY.

II.

THE RTC GRAVELY ERRED IN CONVICTING ACCUSED-APPELLANT OF THE CRIME CHARGED

²³ Records, p. 8.

²⁴ *Rollo*, p. 58.

²⁵ Id. at 58-59.

²⁶ Id. at 3.

DESPITE THE PROSECUTION'S FAILURE TO PROVE HIS
GUILT BEYOND REASONABLE DOUBT.²⁷

On March 1, 2019, the CA affirmed with modifications the finding of guilt of accused-appellant, viz.:

WHEREFORE, the instant appeal is hereby **DENIED**.

The Decision dated November 21, 2017 of the Regional Trial Court of the City of Olongapo, Branch 73, in Criminal Case No. 160-2011FC, is **AFFIRMED with MODIFICATIONS** in that the amount of moral damages is increased from P50,000.00 to P75,000.00; the amount of civil indemnity from P50,000.00 to P75,000.00 and the amount of exemplary damages from P30,000.00 to P75,000.00.

All such monetary awards shall earn legal interest at the rate of 6% per annum from finality of this Decision until fully paid.

SO ORDERED.²⁸

In affirming the Judgment of the RTC, the CA held that the testimony of AAA alone suffices to sustain the conviction of accused-appellant. The RTC correctly lent full credence to AAA's testimony that accused-appellant raped her as she testified in a clear, spontaneous and categorical manner. Hence, the CA found no reason to disbelieve her testimony. After all, testimonies of child victims are given full weight and credit, for when a woman or a girl-child says that she has been raped, she says in effect all that is necessary to show that rape was indeed committed. Youth and immaturity are generally badges of truth and sincerity.²⁹

On March 18, 2019, accused-appellant filed a Notice of Appeal³⁰ to this Court, giving notice that he is appealing pursuant to Section 13(c), Rule 124 of the Rules of Court, as amended by A.M. No. 00-5-03-SC, the March 1, 2019 Decision rendered by the CA.³¹

On August 28, 2010, the Office of the Solicitor General filed a Manifestation and Motion,³² stating that there is no longer any practical need to file a supplemental brief for accused-appellant considering that it has exhaustively discussed and refuted the issues raised by accused-appellant in his Brief.

²⁷ Id. at 6.

²⁸ Id. at 11-12.

²⁹ Id. at 10.

³⁰ Id. at 13.

³¹ Id.

³² Id. at 28.

The Issue Before the Court

The essential issue for this Court's resolution is whether the accused-appellant's conviction shall be upheld.

The Court's Ruling

The Court sustains the conviction.

A rape case presents a "he said, she said" scenario. In this appeal, the Court is tasked to decide who to believe — the accused-appellant or the victim. This is not an easy undertaking. On the one hand, the Court has to keep in mind that a rape victim is a victim many times over. She is physically, psychologically, emotionally and socially scarred. Oftentimes she suffers in silence, and this may last a lifetime. Justice must be rendered to her. On the other hand, the Court must also remember that an accusation of rape can be made with facility, and while the accusation is difficult to prove, it is even harder for accused-appellant, though innocent, to disprove.³³ The charge of rape must be proven with moral certainty, lest there be a miscarriage of justice.³⁴

The prosecution was able to prove beyond reasonable doubt the existence of all the elements of Rape.

Article 266-A of the RPC provides:

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;

³³ *People v. Ramirez*, 334 Phil. 305, 315 (1997); *People v. Capilitan*, 261 Phil. 419, 426 (1990); *People v. del Pilar*, 247 Phil. 242, 250 (1988).

³⁴ *People v. Sta. Ana*, 353 Phil. 388, 392 (1998).

2. By any person who, under any of the circumstances mentioned in paragraph 1 hereof, shall commit an act of sexual assault by inserting his penis into another person's mouth or anal orifice, or any instrument or object, into the genital or anal orifice of another person. (Emphasis supplied)

Under the aforesaid provision, the elements of rape are: (1) the offender had carnal knowledge of the victim; and (2) such act was accomplished through force or intimidation; or when the victim is deprived of reason or otherwise unconscious; or when the victim is under twelve years of age.³⁵

This Court finds that accused-appellant did have sexual intercourse with AAA when she was asleep and still under the influence of alcohol as duly established by the prosecution. Furthermore, the case thus falls under the second instance of rape: "when the offended party is deprived of reason or is otherwise unconscious." It is altogether immaterial that the prosecution's evidence needs to establish the presence of physical force, threat, or intimidation because, as the evidence at bar shows, accused-appellant raped an unconscious and extremely intoxicated woman – a fact that was duly alleged in the Information and duly established by the prosecution's evidence during the trial. In the case at bench, physical force, threat or intimidation is not necessary, for the simple reason that an unconscious and extremely intoxicated woman cannot freely and voluntarily give her consent to engaging in sexual intercourse.

Accordingly, the Court only needs to contend with sufficient establishment of the first element – that is, whether accused-appellant had carnal knowledge of AAA.

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

The Court upholds the findings of the RTC which were affirmed by the CA, that AAA's testimony was credible. The general rule is that the findings of the trial court on the credibility of witnesses are entitled to the highest respect and will not be disturbed on appeal in the absence of any clear showing that the trial court overlooked, misunderstood or misapplied some facts or circumstances of weight and substance which would have affected the result of the case.³⁶ This is so because the trial court is in a

³⁵ *People v. Padigos*, 700 Phil. 368, 377 (2012).

³⁶ *People v. Atuel*, 330 Phil. 23, 35 (1996); *People v. Cura*, 310 Phil. 237, 251 (1995); *People v. Malunes*, 317 Phil. 378, 386 (1995).

better position to decide the question of credibility, having seen and heard the witnesses themselves and observed their behavior and manner of testifying.³⁷ In this case, both the RTC and the CA held that AAA was credible, and her testimony categorically identified the accused as the malefactor who raped her. The Court finds no reason to doubt the findings of both the RTC and the CA, especially since no evidence was adduced showing that AAA had ill motive to falsely charge the accused with the crime of Rape.

It must be emphasized that, in the review of rape cases such as this one, jurisprudence has laid down the following guiding principles: (a) an accusation of rape can be made with facility and while the accusation is difficult to prove, it is even more difficult for the person accused, though innocent, to disprove the charge; (b) considering that, in the nature of things, only two (2) persons are usually involved in the crime of rape, the testimony of the complainant should be scrutinized with great caution; and (c) the evidence for the prosecution must stand or fall on its own merit, and cannot be allowed to draw strength from the weakness of the evidence for the defense.³⁸

The RTC found AAA's testimony to be clear and unequivocal. She positively identified the accused as the man who raped her. Her recollection of the material details of her harrowing experience at the hands of the accused was consistent, to wit:

Q: Now, you said that they were forcing you to drink the liquor, were you able to drink the liquor?

A: Yes, ma'am I was forced.

Q: And what happened next after you were forced to drink the liquor and you said that you really drunk (sic) the liquor, the Emperador?

A: I got dizzy ma'am.

Q: And what do you remember next after you got dizzy?

A: I was already inside the room when I was awakened.

Q: And when you woke up what could you remember that happened next when you woke up?

A: When I woke up, I saw the accused on top of me and there is (sic) already something happening, ma'am.

³⁷ *People v. Nardo*, 337 Phil. 355, 364 (1997); *People v. Lakibul*, 291 Phil. 599, 605 (1993); *People v. Pajares*, 285 Phil. 713, 721 (1992).

³⁸ *People v. Ramirez*, supra note 33, at 316; *People v. Gabris*, 328 Phil. 184, 194 (1996); *People v. Tacipit*, 312 Phil. 295, 301 (1995); *People v. Guamos*, 311 Phil. 599, 604 (1995); *People v. Casinillo*, 288 Phil. 688, 701 (1992).

Q: And what was that something which is (sic) happening when you woke up and you saw the accused on top of you?

A: That we were already both naked, he was on top of me and his penis is (sic) already inside my vagina.

Q: And if you could recall what did you do when you woke up and realized that you were naked and the accused was also naked and he was on top of you and you felt that his penis is (sic) already inside your vagina?

A: I pushed him away, ma'am.

Q: And then what happened next after you pushed him away?

A: He forced and held my two (2) hands, ma'am.³⁹

Dr. Ortiz, who conducted the medico-legal examination on AAA, also stipulated on the Medico Legal Certificate⁴⁰ dated October 7, 2010 that he diagnosed AAA to have lacerations in the 4, 6 and 8:00 o'clock positions.

Needless to state, these supposed inconsistencies deal with minor matters and should not affect the genuineness of the private complainant's version of how her harrowing experience came to be. They do not deal with the basic aspects of the who, the how, and the when, of the crime committed.⁴¹ As *We* have declared before, "inconsistencies on matters of minor details do not detract from the actual fact of rape."⁴² Verily, private complainant's consistent retelling of the relevant details regarding the violation of her person by accused-appellant far outweighs the latter's persistent assault on her credibility and candor.

In any case, as long as the testimony of the witness is coherent and intrinsically believable as a whole, discrepancies of minor details and collateral matters do not affect the veracity, or detract from the essential credibility of the witnesses' declarations.⁴³ In fact, the accused may be convicted solely on the basis of the testimony of the victim that is credible, convincing, and consistent with human nature and the normal course of things.⁴⁴ Notably, accused-appellant was not able to establish any ill motive that could have compelled AAA to falsely accuse him of rape. This only serves to further strengthen AAA's case since the Court has consistently held that a rape victim's testimony as to who abused her is credible where she has absolutely no motive to incriminate and testify against the accused.⁴⁵

³⁹ TSN, August 16, 2013, pp. 9-10.

⁴⁰ Records, p. 8.

⁴¹ See *People v. Alcoreza*, 419 Phil. 105, 115 (2001).

⁴² See *People v. Canoy*, 459 Phil. 933, 943 (2003).

⁴³ See *People v. Etnpuesto*, 851 Phil. 611, 628 (2018).

⁴⁴ *People v. Ganaba*, 829 Phil. 306, 316 (2018).

⁴⁵ See *People v. Gahi*, 727 Phil. 642, 659 (2014).

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

Generally, denial as a defense is weak and is looked upon with disfavor. Weakness of the defense, however, cannot be the basis for conviction. The primary burden still lies with the prosecution whose evidence must stand or fall on its own weight and who must establish by proof beyond reasonable doubt the guilt of the accused before there can be conviction. Under this rule, the defense of denial finds its special place and assumes primacy when the case for the prosecution is at the margin of sufficiency in establishing proof beyond reasonable doubt; a validly established denial then becomes sufficient to defeat the prosecution's case and tilt the outcome in favor of the defense.⁴⁶

The defense of the accused that it was GGG who had sexual intercourse with AAA and that the charge against him was fabricated due to AAA's jealousy of GGG being his previous lover, does not persuade the Court. As correctly held by the CA, there is nothing on record that will support this claim. There was not even a testimony as to why AAA would get jealous of accused-appellant being the previous lover of GGG. More so, these issues are factual in nature. The RTC's evaluation shall be binding on the Court unless it is shown that certain facts of substance and value have been plainly overlooked, misunderstood, or misapplied.⁴⁷ None of the exceptions is present in this case.

Moreover, the accused's attempt to question the finding of the RTC that the sexual assault of AAA was supported by the Medico-Legal Certificate, cannot be given weight and credence. The accused argues that since the examination was done three days after the incident, the lacerations found on AAA's vagina only prove that she had sexual intercourse but not that she was assaulted.

It is settled, however, that the absence of physical injuries or fresh lacerations does not negate rape, and although medical results may not indicate physical abuse or hymenal lacerations, rape can still be established since medical findings or proof of injuries are not among the essential elements in the prosecution for rape.⁴⁸ As held in *People v. Campos*,⁴⁹ a medical examination is not indispensable in a prosecution for rape. In fact, there can be rape even if the medical examination shows no vaginal laceration.

⁴⁶ *People v. Fabito*, 603 Phil. 584, 610 (2009).

⁴⁷ See *People v. Amoc*, 810 Phil. 253, 259 (2017).

⁴⁸ *People v. Nical*, 754 Phil. 357, 364 (2015).

⁴⁹ 394 Phil. 868, 872 (2000).

No young woman would admit that she was raped, make public the offense and allow the examination of her private parts, undergo the troubles and humiliation of a public trial and endure the ordeal of testifying to all the gory details, if she had not in fact been raped.⁵⁰

Penalty to be imposed and the kinds and amount of damages.

Coming now to the imposable penalty, the CA correctly sentenced the accused to *reclusion perpetua* pursuant to Article 266-B of the RPC which provides, as follows:

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

Finally, the Court also affirms the CA's award of ₱75,000.00 as moral damages, civil indemnity and exemplary damages, respectively, its imposition upon a finding of a commission thereof⁵¹ being mandatory in accordance with recent jurisprudence.

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."⁵² 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.⁵³

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

⁵⁰ *People v. Restoles*, 393 Phil. 413, 425 (2000).

⁵¹ *People v. Rizaldo*, 439 Phil. 528, 537 (2002); *People v. Fernandez*, 426 Phil. 168, 176 (2002).

⁵² *People v. Jugueta*, 783 Phil. 806, 827 (2016), citing *Del Mundo v. CA*, 310 Phil. 367, 376 (1995).

⁵³ *People v. Delabajan*, 685 Phil. 236, 245 (2012).

damages in criminal cases stems from Articles 2229⁵⁴ and 2230⁵⁵ 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.⁵⁶

In *People v. Jugueta*,⁵⁷ 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 CA correctly increased the award of civil indemnity, moral damages, and exemplary damages to ₱75,000.00. In line with current policy,⁵⁸ 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 March 1, 2019 Decision of the Court of Appeals in CA-G.R. CR-H.C. No. 10254 is hereby **AFFIRMED**. Accused-appellant Melford Brillo y De Guzman is **GUILTY** beyond reasonable doubt of Rape as defined in Article 266-A, par. 1 (b) of the Revised Penal Code, as amended by Republic Act No. 8353, in relation to Republic Act No. 7610 and penalized in Article 266-B of the Revised Penal Code. Accused-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.

⁵⁴ Article 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.


⁵⁵ Article 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.

⁵⁶ *People v. Veloso*, 703 Phil. 541, 556 (2013).

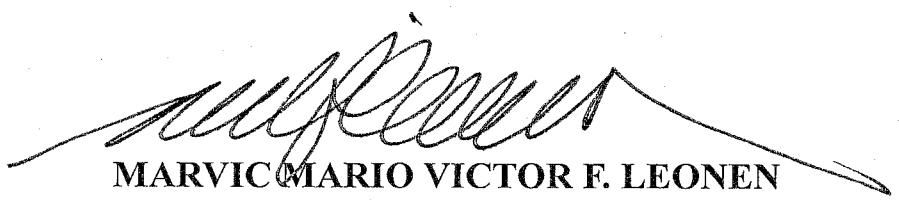
⁵⁷ *Supra* note 52.

⁵⁸ *People v. Dion*, 668 Phil. 333, 353 (2011).

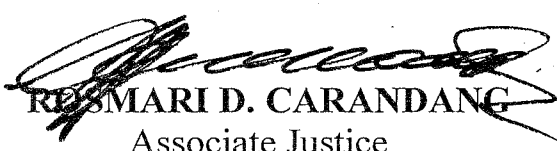
SO ORDERED.


EDGARDO L. DELOS SANTOS
Associate Justice

WE CONCUR:


MARVIC MARIO VICTOR F. LEONEN
Associate Justice
Chairperson


(On Official Leave)
RAMON PAUL L. HERNANDO
Associate Justice


RESMARI D. CARANDANG
Associate Justice


HENRI JEAN PAUL B. INTING
Associate Justice

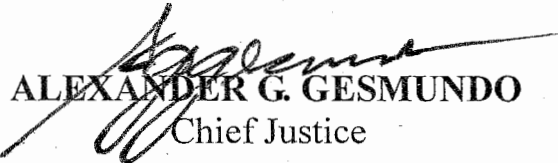
ATTESTATION

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.


MARVIC MARIO VICTOR F. LEONEN
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.



ALEXANDER G. GESMUNDO
Chief Justice