



Republic of the Philippines
Supreme Court
 Manila

FIRST DIVISION

PEOPLE OF THE PHILIPPINES,
 Plaintiff-Appellee,

G.R. No. 248530

Present:

-versus-

PERALTA, C.J., Chairperson,
CAGUIOA,
CARANDANG,
ZALAMEDA, and
GAERLAN, JJ.

REYNALDO DECHOSO y DIVINA,
 Accused-Appellant.

Promulgated:

MAR 03 2021

X-----X

DECISION

CAGUIOA, J.:

This is an appeal,¹ filed pursuant to Section 2, Rule 125 in relation to Section 3, Rule 56 of the Rules of Court, from the Decision² dated March 29, 2019 (assailed Decision) of the Court of Appeals Fourth Division (CA) in CA-G.R. CR HC No. 08497. The assailed Decision affirmed, with modification, the Judgment³ dated June 29, 2016 rendered by the Regional Trial Court of Muntinlupa City, Branch 204 (RTC), in Criminal Case No. 09-719, which found accused-appellant Reynaldo Dechoso y Divina (Dechoso) guilty beyond reasonable doubt of the crime of rape under Article 266-A, paragraph (1)(a) of the Revised Penal Code (RPC).

The accusatory portion of the Information against Dechoso reads:

“That on or about the 6th day of November, 2009, in the City of Muntinlupa, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, by means of force, threat[,] and intimidation[,] did then and there willfully[,] unlawfully[,] and feloniously

¹ *Rollo*, pp. 22-24.

² *Id.* at 3-21; penned by Associate Justice Maria Filomena D. Singh with Associate Justices Japa B. Dimaampao and Manuel M. Barrios, concurring.

³ *CA rollo*, pp. 49-57; penned by Presiding Judge Juanita T. Guerrero.

have carnal knowledge of complainant [AAA⁴] against the latter's will and consent.

Contrary to Law.”⁵

Upon arraignment, Dechoso pleaded not guilty.⁶ Trial on the merits ensued thereafter.

The Facts

Version of the prosecution

The prosecution presented as witnesses: 1) private complainant AAA (AAA); 2) Barangay Policeman BBB (BBB); 3) Barangay Officer CCC (CCC); and 4) Police Chief Inspector Marianne S. Ebdane, M.D. (PCI Ebdane),⁷ whose testimonies can be summarized as follows:

On November 6, 2009, at around 4:30 in the morning, AAA was walking near the railroad track at YYY, on her way to ZZZ, Muntinlupa City, where she was working as a street sweeper. She was then four months pregnant. A man, who was later identified as Dechoso, approached her, suddenly blocked her path, and hugged her. AAA started shouting and begged Dechoso to let her go because she was pregnant and that she was on her way to work (“*Maawa ka sa akin kasi buntis ako saka papasok ako sa trabaho*”). Despite her pleas, Dechoso warned her not to shout, otherwise, he would kill her and that he only needed her for a few minutes to satisfy his lust (“*Wag kang [magsisisigaw] papatayin kita, saglit lang to magpaparaos lang ako*”).⁸

Dechoso then dragged AAA towards the railroad track, pinned her down on a vacant, rocky area along the track, removed her uniform and sucked on her nipples.⁹ He removed his t-shirt and laid on top of AAA, who kept on hitting him on the face while begging for him to stop. Dechoso, however, continued to insert his private part into AAA's vagina and had carnal

⁴ The identity of the victims or any information which could establish or compromise their identities, as well as those of their immediate family or household members, shall be withheld pursuant to Republic Act No. (R.A.) 7610, entitled “AN ACT PROVIDING FOR STRONGER DETERRENCE AND SPECIAL PROTECTION AGAINST CHILD ABUSE, EXPLOITATION AND DISCRIMINATION, AND FOR OTHER PURPOSES,” approved on June 17, 1992; R.A. 9262, entitled “AN ACT DEFINING VIOLENCE AGAINST WOMEN AND THEIR CHILDREN, PROVIDING FOR PROTECTIVE MEASURES FOR VICTIMS, PRESCRIBING PENALTIES THEREFOR, AND FOR OTHER PURPOSES,” approved on March 8, 2004; and Section 40 of Administrative Matter No. 04-10-11-SC, otherwise known as the “RULE ON VIOLENCE AGAINST WOMEN AND THEIR CHILDREN” (November 15, 2004). (See footnote 4 in *People v. Cadano, Jr.*, 729 Phil. 576, 578 [2014], citing *People v. Lomaque*, 710 Phil. 338, 342 [2013]. See also Amended Administrative Circular No. 83-2015, titled “PROTOCOLS AND PROCEDURES IN THE PROMULGATION, PUBLICATION, AND POSTING ON THE WEBSITES OF DECISIONS, FINAL RESOLUTIONS, AND FINAL ORDERS USING FICTITIOUS NAMES/PERSONAL CIRCUMSTANCES,” dated September 5, 2017; and *People v. XXX and YYY*, G.R. No. 235652, July 9, 2018, 871 SCRA 424.)

⁵ CA rollo, p. 49.

⁶ Id.

⁷ Id. at 50.

⁸ Rollo, p. 4.

⁹ Id.

knowledge of her.¹⁰ AAA kept resisting but Dechoso repeated his threats to kill her. It was only then that AAA gave up her attempts to free herself.¹¹

Meanwhile, AAA noticed Dechoso's wallet protruding from his waist. AAA grabbed the same and threw it towards a grassy area along the railroad track. After about 15 minutes, AAA sensed that Dechoso had succeeded in his lustful act. Dechoso stood up, wiped both their genitals with his shirt then ran away.¹²

When Dechoso left, AAA stood up and went to the railroad track to retrieve her broom and dustpan. After she had gathered her belongings, AAA saw an identification card (ID) near the track, about an arm's length away from where she was raped. AAA picked up the ID and examined it. Suddenly, Dechoso, who had apparently returned, grabbed the ID from her and attempted to look for his wallet but eventually sped away without successfully finding it.¹³

Thereafter, AAA immediately headed to the nearby barangay hall to report the incident. Thereat, AAA met and narrated to barangay officials BBB and CCC that she was raped by an unidentified man. AAA also told said officials that she was able to grab the wallet of her assailant and threw the same towards a grassy area along the railroad track. Hence, BBB and CCC accompanied AAA back to the crime scene to search for the wallet which was eventually recovered along the railroad track.¹⁴

Upon inspection back at the barangay hall, the wallet contained a Kabalikat Civicom ID belonging to Dechoso,¹⁵ whom BBB and CCC recognized because Dechoso was a former junior volunteer for the rescue team of the barangay. When BBB and CCC showed the ID to AAA, the latter identified Dechoso as her rapist. Thereafter, the barangay officials went to the Rescue Office of the barangay to obtain Dechoso's address.¹⁶

Upon reaching the address provided by the Rescue Office, the barangay officials knocked on the door and were greeted by Dechoso's mother who confirmed that Dechoso was inside and had just arrived ("*kararating lang*").¹⁷ Dechoso was then invited to go to the barangay hall after informing him that he was being accused by a woman of rape.¹⁸

At the barangay hall, AAA pointed to Dechoso and identified him as the man who raped her. Thereafter, AAA went to the Criminal Investigation and Detection Group (CIDG) Office to file a complaint with the Women and Children's Protection Desk of Muntinlupa City Police Station. After filing her

¹⁰ CA rollo, p. 50.

¹¹ Rollo, p. 4.

¹² Id. at 5.

¹³ Id.

¹⁴ Id.

¹⁵ CA rollo, p. 50.

¹⁶ Rollo, p. 6.

¹⁷ CA rollo, p. 56.

¹⁸ Rollo, p. 6.

complaint, she proceeded to the Philippine National Police Crime Laboratory at Camp Crame for a medico-legal examination.¹⁹

AAA was examined by PCI Ebdane who testified that there were no evident injuries on AAA's genitalia at the time of the examination. However, she clarified that the absence of injuries does not negate rape because: (a) the rapist could have lubricated his penis and/or the victim's vagina; or (b) AAA had already given birth, making the entrance of her vaginal wall larger. Indeed, at the time of the incident, AAA was already a mother of five children. PCI Ebdane likewise testified that AAA suffered abrasions on her lower back, specifically the scapular region and buttocks, which could have been caused by contact with rough objects such as rocks and stones.²⁰

Version of the Defense

The defense presented Dechoso as lone witness.²¹ He narrated the following:

On November 6, 2009, at around 4:00 in the morning, he was just at home sleeping. He was suddenly woken up by his mother because a barangay official was there to fetch him. He was led to the barangay service vehicle where eight other barangay officials were waiting on board and then brought to the barangay hall. He asked to be taken to the Rescue Office but was refused.²²

When they reached the barangay hall, Dechoso was made to sit beside a woman who he allegedly raped and who suddenly stood and started hitting him. They then proceeded to the CIDG Office where Dechoso was informed that he was being charged of rape, primarily on the basis of his wallet that was found at the crime scene.²³

In his defense, Dechoso explained that he was not in possession of his wallet because he had lost it prior to the incident. He was on his way home from the billiard hall when he saw a tricycle driver who was being bullied. He attempted to help the tricycle driver but ended up being ganged upon and mauled. When he was able to run away, he passed by the railroad track going to ZZZ. However, his aggressors were shortly in pursuit and started throwing stones at him. Thereafter, he headed to the Rescue Office to be treated by his friend, a certain FFF. Thereat, Dechoso noticed that his wallet was missing. He asked FFF to accompany him to search for his wallet, but gave up eventually, thinking that anyway it only contained his barangay ID and Kabalikat Civicom ID.²⁴

¹⁹ Id. at 7.

²⁰ Id.

²¹ CA rollo, p. 50.

²² Rollo, pp. 7-8.

²³ Id. at 8.

²⁴ Id.



The Ruling of the RTC

In its Judgment dated June 29, 2016, the RTC found Dechoso guilty beyond reasonable doubt of the crime of Rape and sentenced him to suffer the penalty of *reclusion perpetua*, thus:

WHEREFORE[,] premises considered and finding the accused GUILTY beyond reasonable doubt of the crime of RAPE as defined and penalized under Art. 266-A par. 1 a) of the Revised Penal Code, REYNALDO DECHOSO y DIVINA is sentenced to Reclusion Perpetua and to all the accessory penalties provided by law. He is further ordered to pay the private complainant [AAA], the amount of Php 50,000.00 as moral damages and Php 50,000.00 as civil indemnity.

x x x x

SO ORDERED.²⁵

Dechoso appealed to the CA. He filed a Brief for the Accused-Appellant²⁶ (Appellant's Brief) dated January 25, 2017, while the People, through the Office of the Solicitor General, filed its Brief for the Appellee²⁷ dated May 29, 2017.

The Ruling of the CA

In the assailed Decision, the CA affirmed with modification the RTC's Decision as follows:

WHEREFORE, the appeal is **DENIED**. The Judgment dated 29 June 2016 in Criminal Case No. 09-719 of Branch 204 of the Regional Trial Court of Muntinlupa City is **AFFIRMED** with **MODIFICATION**.

The award of civil indemnity and damages in Criminal Case No. 09-719 is **MODIFIED** as follows:

"In accordance with prevailing jurisprudence, Reynaldo Dechoso y Divina is **ORDERED** to pay AAA P75,000.00 as civil indemnity *ex delicto*, P75,000.00 as moral damages, and P75,000.00 as exemplary damages, with legal rate of 6% interest per *annum* from the date of finality of this judgment until fully paid."

SO ORDERED.²⁸

The CA found that the prosecution was able to establish by proof beyond reasonable doubt all the elements of rape. It likewise found no cogent reason to depart from the findings of the RTC as to the credibility of AAA and upheld her testimony as against the denial and alibi of Dechoso. Moreover, it rejected the defenses of Dechoso that it was impossible for AAA to have identified him under the circumstances of the alleged rape and that the

²⁵ CA rollo, p. 57.

²⁶ Id. at 37-48.

²⁷ Id. at 80-90.

²⁸ Rollo, pp. 20-21; citation omitted.

latter's behavior was inconsistent with common human experience, hence, did not deserve credence. However, following prevailing jurisprudence, the CA modified the award of damages ordered by the RTC.²⁹

Thus, the present appeal pursuant to Section 2, Rule 125 in relation to Section 3, Rule 56 of the Rules of Court.

Dechoso filed a Manifestation (in Lieu of Supplemental Brief)³⁰ dated December 6, 2019 while the People likewise filed a Manifestation (in Lieu of Supplemental Brief)³¹ dated December 18, 2019, both stating that they would no longer be filing their respective supplemental briefs as their briefs filed with the CA already exhausted all of their arguments in the present case.

Issue

The main issue for resolution of the Court is whether or not the RTC and the CA erred in convicting Dechoso of the crime of Rape.

The Court's Ruling

The Court dismisses the appeal.

The findings of the trial court and CA as to the credibility of AAA are supported by the evidence on record and the law. Dechoso's claims of improper identification by AAA and her failure to resist the aggression do not deserve merit.

Dechoso, in his Appellant's Brief, mainly questions his conviction on two points: *first*, he challenges his identification by AAA and claims that, under the circumstances of the alleged rape, she could not have had a good opportunity to look at her assailant's face. This is because, based on AAA's testimony, the scene where the subject acts were committed was dark and there were no houses around which could have been a source of illumination;³² *second*, AAA's testimony was not credible as it was inconsistent with ordinary human behavior. Specifically, Dechoso claims that it is uncommon or unbelievable that AAA did not use her dustpan, broom and the heavy boots she was wearing to wrestle against her aggressor and struggle to free herself from his clutches.³³

In short, Dechoso puts into question the credibility of AAA and her testimony, and posits that his conviction cannot rest on this evidence of the

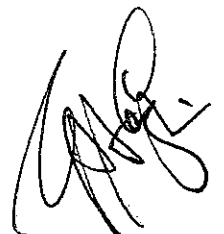
²⁹ Id. at 10-21.

³⁰ Id. at 30-34.

³¹ Id. at 35-39.

³² CA *rollo*, pp. 43-44.

³³ Id. at 44-45.



prosecution as it is not sufficient to establish his guilt beyond reasonable doubt.

The Court disagrees.

As with other rape cases, the Court, in resolving the present case, is guided by three settled principles: (1) 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; (2) considering that, in the nature of things, only two persons are usually involved in the crime of rape, the testimony of the complainant should be scrutinized with great caution; and (3) the evidence of 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.³⁴

As a result of these guiding principles, in a prosecution for rape, credibility becomes the single most important issue.³⁵ The intrinsic nature of the crime of rape where only two persons are normally involved demands that the testimony of the private complainant must always be scrutinized with great caution.³⁶ Conviction frequently rests on the basis of the testimony of the victim which must be credible, natural, convincing, and consistent with human nature and the normal course of things.³⁷

In the assessment of the credibility of the victim, the trial court's findings and observations are given great weight, and are even conclusive and binding unless tainted with arbitrariness or oversight of some fact or circumstance of weight and influence. This is because the trial court had the full opportunity to directly observe the deportment and the manner of testifying of the witnesses before it, thus, putting it in a better position than the appellate court to properly evaluate testimonial evidence. This rule holds stronger in cases where the CA sustained the findings of the trial court.³⁸

Here, with care and circumspection, the Court assessed the records and the testimony of AAA and therefrom, can only affirm the conclusion of the RTC, as affirmed by the CA, that the same is credible, positive and clear. As found by the RTC, AAA was steadfast and unwavering and her detailed narration could only come from a victim of such a harrowing experience. Her testimony is likewise supported by the findings on her medical examination and in accordance with common human experience, thus:

After a careful evaluation of the evidence presented, the court finds the testimony of the private complainant [AAA] as credible. Her testimony is steadfast and unwavering. There is no dispute that [AAA] was raped as her narration of the incident is replete with details as to how she was intimidated and forced into having carnal intercourse with a stranger whom she met while she was on her way to her work as a street sweeper. She was

³⁴ *People v. Ramos*, G.R. No. 200077, September 17, 2014, 735 SCRA 466, 478.

³⁵ *People v. Andales*, G.R. Nos. 152624-25, February 5, 2004, 422 SCRA 253, 261; citation omitted.

³⁶ *People v. Umayam*, G.R. No. 147033, April 30, 2003, 402 SCRA 457, 466.

³⁷ *See People v. XXX*, G.R. No. 244288, March 4, 2020.

³⁸ *People v. Wile*, G.R. No. 208066, April 12, 2016, 789 SCRA 228, 263-265.

dragged to a rocky part of the railroad tracks which no sane woman would go to if only to have sex with another person not her partner. Her medical certificate showing injuries at her back bolsters her claim that her uniform was pulled up which bared her back to said stony or rocky ground. She was intimidated by the man to give into his lust "para magparaos." x x x³⁹

Anent the contention that AAA could not have properly seen her aggressor during the commission of the offense, the Court agrees with the CA that the lack of illumination at the crime scene was not established by the defense. On the contrary, AAA's testimony shows that she had several opportunities, and the crime scene was illuminated enough for her, to not only see and identify her aggressor, but likewise observed what he was wearing, and thereafter found and recovered her belongings and Dechoso's ID after being raped. The Court, quotes with approval, the CA's observation, thus:

Even before their initial contact, AAA already saw Dechoso approaching her from the opposite direction.

"Q. While you were on your way to [ZZZ] to report for work, the accused did come from your behind?

A. No, sir.

Q. In fact, you saw him approaching you?

A. I met him, sir." x x x

In truth, there was also enough light at the crime scene for AAA to see what Dechoso was wearing and spot the latter's wallet at his waist.

"Q - And when you said 'nagmamakaawa ka', what did the accused do?

A - *'Hindi po niya ako pinakinggan basta sabi niya sa akin saglit lang po magpaparaos lang ako, yun lang po ang sinasabi niya tapos sabi niya sige pagsumigaw ka ng sumigaw papatayin kita kaya hindi na lang po ako kumibo kasi may nakuha naman po ako na wallet nya [sic] sa may baywang nya'.*

Q - And how were you able to get that wallet from his waist?

A - *Habang nakaibabaw po siya sa akin, wala po siyang ginagawa kundi yong gusto niyang gawin, kasi po hubad siya eh nakita ko yun sa gilid ng kanyang baywang tapos hinablol ko at hinagis ko po.*

Q - By the way, what was he wearing at that time?

A - Shorts made of chalis cloth, sir.

Q - What about the upper portion of the body?

A - T-shirt, sir.

³⁹ CA rollo, p. 53.

Q - While he was on top of you, do you recall if he undressed?

A - He removed his t-shirt, sir.

Q - What about his shorts [sic] pants, what did he do with his short pants?

A - *Hindi niya po hinubad kasi nilabas lang po niya ang ari nya dun sa shorts niya kasi garter lang po yun.” x x x*

Finally, there was sufficient illumination in the area for AAA to recover her broom and dustpan, as well as locate Dechoso's ID somewhere along the railroad track and inspect it.

“Q - You said that you recovered his wallet from his waist, what else did he say before leaving you if any?

A - He did not say anything, sir.

Q - And then after that what else did he do?

A - I stand [sic] up and then I went to the railroad track to get my broom and dustpan, sir.

Q - What about the accused where did he go if you know?

A - He ran towards the opposite direction, sir.

Q - How did he go towards the opposite direction?

A - He ran, sir.

Q - After retrieving your broom and dustpan, what did you do next?

A - I saw an I.D. and pick [sic] it up sir, I was looking at the I.D. and he [Dechoso] suddenly came and he grabbed the I.D. from me.

Q - Which particular portion did you find the I.D.?

A - Beside the railroad track, sir.” x x x⁴⁰

Indeed, not only was AAA able to take a proper look at Dechoso's face before the rape when he approached and blocked her, and afterwards when he returned to retrieve his ID and searched for his wallet, AAA was able to see his face while he was committing the foul act which lasted for about 15 minutes,⁴¹ thus:

Q How did you identify him apart from the ID that was taken from his wallet?

⁴⁰ *Rollo*, pp. 16-17; citations and underscoring omitted, italics in the original.

⁴¹ *Id.* at 11.

A Because when he was on top of me I looked at his face and when I saw the ID that came from the wallet, I concluded that [that] is the person who abused me.”⁴²

Anent Dechoso’s second point that AAA’s account of the rape is unbelievable and contrary to ordinary human behavior because she did not offer reasonable resistance, the records refute this claim. In truth, AAA did try to repel Dechoso’s attempts by throwing several punches at the latter and pleading for him to stop as she was pregnant, thus:

“Q - While he was on top of you, what did you do?

A - *‘Pinagsasapok [sic] ko ang mukha niya at nagmamakaawa po ako sa kaniya, kasi sabi ko maawa ka naman sa akin dahil buntis ako. Eh yung pin[a]ghigaan niya sa akin puro batong malalaki.’* x x x⁴³

Indeed, the superior build of Dechoso compared to that of AAA,⁴⁴ the suddenness of the attack and AAA’s fragility because of her state of pregnancy practically rendered her defenseless. She could not have used her dustpan, broom and boots to her defense as she was pinned down and rendered immobile by Dechoso.⁴⁵ Hence, there is not a grain of truth to Dechoso’s claim that AAA did not attempt to resist his assault.

In fact, even assuming that AAA failed to offer any resistance to Dechoso’s attacks, her claim of rape cannot still fail thereupon. The law does not impose upon a rape victim the burden of proving resistance. The Court has explained that resistance is not an element of rape and lack thereof does not lead to an acquittal of the accused, thus:

We are not persuaded by the accused-appellant’s insistence that the absence of any resistance on the part of AAA raised doubts as to whether the sexual congress was without her consent. The failure of the victim to shout for help or resist the sexual advances of the rapist is not tantamount to consent. Physical resistance need not be established in rape when threats and intimidation are employed and the victim submits herself to her attackers x x x because of fear.

Besides, physical resistance is not the sole test to determine whether a woman voluntarily succumbed to the lust of an accused. Rape victims show no uniform reaction. Some may offer strong resistance while others may be too intimidated to offer any resistance at all. After all, resistance is not an element of rape and its absence does not denigrate AAA’s claim that the accused-appellant consummated his bestial act.⁴⁶

Thus, even where, as in the present case, the aggressor is unarmed, the victim is not required to put up a struggle nor will such failure defeat her case for rape. The Court has long recognized the lack of uniformity in the manner of behavior of rape victims during or after a rape incident, thus:

⁴² CA rollo, p. 56; citation omitted.

⁴³ Rollo, p. 18; citation and underscoring omitted, italics in the original.

⁴⁴ CA rollo, p. 53.

⁴⁵ Id. at 84.

⁴⁶ *People v. Josen*, G.R. No. 206393, January 21, 2015, 747 SCRA 177, 187; citation omitted.

x x x We have been categorical in declaring that “[t]he workings of a human mind placed under emotional stress are unpredictable and people react differently—some may shout, some may faint, and some may be shocked into insensibility while others may openly welcome the intrusion.” Yet, it can never be argued that the ones who apparently welcome it are sexual victims any less than the others.⁴⁷

The prosecution proved the guilt of Dechoso for rape beyond reasonable doubt.

In sum, the arguments of Dechoso crumble in the face of the evidence of the prosecution which, did, in fact, establish his guilt beyond reasonable doubt for the crime of rape. The elements of rape under Article 266-A, paragraph (1)(a) of the RPC are:

- (1) The act is committed by a man;
- (2) That said man had carnal knowledge of a woman; and
- (3) That such act was accomplished through force, threat or intimidation.⁴⁸

Here, the first element is uncontroverted. The second is shown by the narration of AAA showing sexual intercourse, thus:

“Q - After telling you ‘*saglit lang to magpaparaos lng [sic] ako,*’ what happened next?

A - He dragged me towards the railroad track and then he laid me down and he pulled up my uniform and then he sucked my nipples.

x x x x

Q - While you were lying what else did he do to you?

A - ‘*Binaba po niya ang suot kong pants.*’

Q - After he pulled down your pants, what did he do?

A - *Nilabas niya ang ari niya at pinasok sa ari ko, sir.*

Q - How long at time [sic] did he do that?

A - *Matagal po mga fifteen (15) minutes, sir.*⁴⁹

Notably, while the Medico-Legal Report shows no injuries sustained by AAA on her genitalia, the examining physician clarified that this circumstance does not negate rape as it was possible that no injuries arose as a result thereof because: (a) the rapist could have lubricated his penis and/or the victim’s vagina; or (b) the vaginal wall of the victim had already widened after giving

⁴⁷ *People v. Umayam*, supra note 36, at 473; citations omitted.

⁴⁸ *People v. Jaime*, G.R. No. 225332, July 23, 2018, 873 SCRA 151, 163.

⁴⁹ *Rollo*, p. 11; emphasis supplied, underscoring omitted and italics in the original.

birth.⁵⁰ In fact, AAA, during the incident of rape, was already a mother of five children.⁵¹

Anent the third element, AAA is categorical that her life was repeatedly threatened by Dechoso if she continued to resist the rape, thus:

Q - What did he say if any, when you said '*nagmamakaawa*'?

A - '*Maawa ka sa akin kasi buntis ako saka papasok ako sa trabaho.*'

Q - What did he do after you told him that?

A - '*Wag kang magsisigaw papatayin kita, saglit lang to magpaparaos lang ako.*'" x x x

"Q - And when you said '*nagmamakaawa ka,*' what did the accused do?

A - '*Hindi po niya ako pinakingggan basta sabi niya sa akin saglit lang po magpaparaos lang ako, yun lang po ang sinasabi niya tapos sabi niya sige pagsumigaw ka ng sumigaw papatayin kita kaya hindi na lang po ako kumibo kasi may nakuha naman po ako na wallet nya sa may baywang niya.*'" x x x⁵²

In sum, the three elements of rape were proven by the prosecution beyond reasonable doubt. Hence, Dechoso's conviction must be sustained by the Court.

To be sure, an accused in a criminal prosecution is presumed innocent until his guilt is proven beyond reasonable doubt.⁵³ However, this requirement of proof beyond reasonable doubt in criminal law does not mean such a degree of proof to exclude the possibility of error and produce absolute certainty. Only moral certainty is required or that degree of proof which produces conviction in an unprejudiced mind.⁵⁴ As found by the RTC and affirmed by the CA, this degree of proof was discharged by the prosecution in the present appealed charge against Dechoso.

The defenses of Dechoso consisting of denial and alibi are inherently weak and are unsupported by the evidence on record.

In stark contrast to AAA's compelling testimonies, Dechoso presented self-serving narrations, denial and alibi. For one, his claim that he lost his wallet prior to the rape incident is left unsupported and without corroboration. FFF, his friend who allegedly treated his wound and helped him searched for his lost wallet, was not presented in court. Further, his claim that he had been

⁵⁰ Id. at 12.

⁵¹ Id.

⁵² Id. at 13-14; emphasis supplied, underscoring omitted and italics in the original.

⁵³ CONSTITUTION, Art. III, Sec. 14(2); RULES OF COURT, Rule 133, Sec. 2.

⁵⁴ *People v. Manson*, G.R. No. 215341, November 28, 2016, 810 SCRA 551, 560; citation omitted.

at home sleeping during the time of the incident is likewise suspect as his mother told the barangay officials, when the latter arrived at their house looking for Dechoso, that he had then just arrived (“*kararating lang*”).⁵⁵

Indeed, when he was asked further of his whereabouts around the time of the incident, it was revealed that he was just staying around the vicinity of the crime, specifically the barangay hall which was very near the crime scene.⁵⁶ In fact, the very house of Dechoso, where he first claimed to have just been sleeping the entire day, is located only about 10 meters from where AAA was raped.⁵⁷

Time and again, the Court has held that denial is an intrinsically weak defense which must be supported by strong evidence of non-culpability to merit credibility. Alibi, on the other hand, is the weakest of all defenses, for it is easy to contrive and difficult to disprove; hence, generally rejected. For alibi to be appreciated, it must be proven by the accused that: (1) he was not at the *locus delicti* at the time the offense was committed; and (2) it was physically impossible for him to be at the scene of the crime at the time of its commission.⁵⁸ Here, not only is Dechoso’s account incredible, uncorroborated and tattered with inconsistencies, his alleged *locus* at the time of the incident was very near the railroad track where the rape took place that it could not have been physically impossible for him to be at the said crime scene at the time when the rape was committed.

The penalty and award of damages made by the CA are proper.

As found by the RTC and borne by the records, the prosecution was able to establish with proof beyond reasonable doubt the guilt of Dechoso for simple rape. Notably, the records show, particularly the testimonies of AAA, that she was four months pregnant at the time of the incident, which circumstance she communicated to Dechoso in pleading for him to desist from the bestial act.⁵⁹ This could have constituted a qualifying aggravating circumstance under Republic Act No. 8353,⁶⁰ specifically Article 266-B⁶¹ thereof, which qualifies the penalty for the crime of rape to death instead of *reclusion perpetua* and increases the award for damages to Php100,000.00 each for civil indemnity, moral and exemplary damages, instead of Php75,000.00.⁶² However, the same is not alleged in the Information and

⁵⁵ CA rollo, p. 56.

⁵⁶ Id. at 56-57.

⁵⁷ Id. at 86.

⁵⁸ *People v. Ronquillo*, G.R. No. 214762, September 20, 2017, 840 SCRA 405, 417; citation omitted.

⁵⁹ Rollo, p. 4.

⁶⁰ Otherwise known as THE ANTI-RAPE LAW OF 1997.

⁶¹ Art. 266-B. *Penalty*. x x x

x x x x

The death penalty shall also be imposed if the crime of rape is committed with any of the following aggravating/qualifying circumstances:

x x x x

9) When the offender knew of the pregnancy of the offended party at the time of the commission of the crime; x x x

⁶² *People v. Jugueta*, G.R. No. 202124, April 5, 2016, 788 SCRA 331.

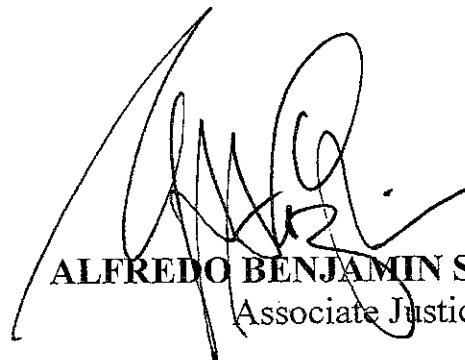
could, thus, not be appreciated.⁶³ Hence, Dechoso was properly convicted only of the charge against him under said Information which is simple rape. Consequently, the penalty of *reclusion perpetua* is likewise proper.

Anent the award for damages made by the CA of Php75,000.00 each as civil indemnity, moral and exemplary damages, the Court likewise affirms the same, in light of the above discussion and prevailing jurisprudence.⁶⁴

WHEREFORE, in view of the foregoing, the appeal is **DISMISSED** for lack of merit. The Decision dated March 29, 2019 of the Court of Appeals in CA-G.R. CR-HC No. 08497 is **AFFIRMED**. Accused-appellant **Reynaldo Dechoso y Divina** is hereby found **GUILTY** beyond reasonable doubt of Rape under Article 266-A, paragraph (1)(a) of the Revised Penal Code and is hereby sentenced to suffer the penalty of *reclusion perpetua*.


Accused-appellant is likewise **ORDERED TO PAY** the private complainant Php75,000.00 each, as civil indemnity, moral damages and exemplary damages which shall earn legal interest at the rate of six percent (6%) *per annum* from the date of finality of this Decision until full payment.

SO ORDERED.



ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

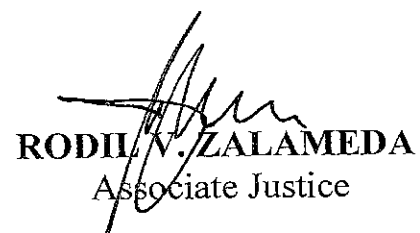
WE CONCUR:



DIOSDADO M. PERALTA
Chief Justice
Chairperson



ROSMARI D. CARANDANG
Associate Justice



RODIL V. ZALAMEDA
Associate Justice

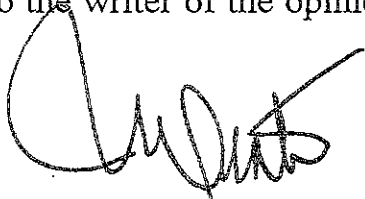
⁶³ See *People v. Bragas*, G.R. No. 128874, September 24, 1999, 315 SCRA 216, 223-224.

⁶⁴ *People v. Jugueta*, supra note 62.


SAMUEL H. GAERLAN
Associate Justice

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, it is hereby certified 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
Chief Justice

