
 BY: YAG
 TIME: 8:40

Republic of the Philippines
 Supreme Court
 Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated **October 16, 2019** which reads as follows:

“G.R. No. 223523 (PEOPLE OF THE PHILIPPINES, Plaintiff-Appellee, v. MARIO ALVAREZ y GERMONES, Accused-Appellant) – We dismiss this appeal from the October 29, 2014¹ decision of the Court of Appeals (CA) in CA-G.R. CR-H.C. No. 06378, whereby the CA affirmed the joint decision dated August 14, 2013² by the Regional Trial Court (RTC), Branch 172, Valenzuela City, finding the accused-appellant guilty of two counts of rape through sexual assault and one count of rape.

The CA held that the testimony of the victim, AAA passed the test of credibility; and that the RTC validly rejected Mario’s alibi which remained uncorroborated.

We agree.

The imputation of ill-motives against AAA and her family remained unsubstantiated and cannot be accorded any credence. Further, the allegations that AAA’s claim of Rape because she loves Mario and only wanted to prevent him from marrying his live-in partner, are unacceptable. Testimonies of victims given in a categorical, straightforward, spontaneous, and frank manner are considered worthy of belief, for no woman would concoct a story of defloration, consent to an examination of her private parts and thereafter allow herself to be perverted in a public trial if she was not motivated solely by the desire to have the culprit apprehended and punished.³ Hence, the positive identification by AAA that Mario abused her prevails over his claim that someone else had done it.

- over – three (3) pages ...

184 /

¹ *Rollo*, pp. 2-21; penned by Associate Justice Carmelita Salandanan Manahan with the concurrence of Associate Justice Japar B. Dimaampao and Associate Justice Elihu A. Ybañez.

² *CA rollo*, pp. 47-51; penned by Judge Nancy Rivas-Palmones.

³ *People v. De Guzman*, G.R. No. 188352, September 1, 2010, 629 SCRA 784, 796.

Indeed, the elements of Rape under par.1(a) of Art. 266-A of the Revised Penal Code and that of rape through sexual assault have been established beyond reasonable doubt. AAA recounted the three instances when the accused-appellant abused her, two of which, he inserted his finger inside her vagina and attended by force and intimidation. On their third encounter, she was forced into having carnal knowledge with him. The fact of carnal knowledge is punishable by *reclusion perpetua* while rape by sexual assault is punishable by *reclusion temporal* medium to *reclusion perpetua*.

Following Article 64(1) of the Revised Penal Code, since there was neither aggravating nor mitigating circumstances present, the penalty to be imposed should be in the medium period. Hence, Mario is sentenced to suffer the penalty of 2 years, 4 months, and 1 day of *prision correccional* medium as minimum, to 8 years and 1 day of *prision mayor* medium as maximum for each count of rape by sexual assault.

Further, following Our ruling in *People v. Jugueta*,⁴ We shall modify the award of monetary damages as follows: for the charge of rape, the awards of civil indemnity, moral and exemplary damages shall be increased to ₱75,000.00 each; and for the charge of rape by sexual assault, the civil indemnity, moral damages and exemplary damages shall also be increased to ₱75,000.00 each. All these amounts shall be subject to interest of six percent (6%) per annum from the finality of the decision until fully paid.

WHEREFORE, the Court **DISMISSES** the appeal; and **AFFIRMS** the decision dated October 29, 2014 of the Court of Appeals in CA-G.R. CR-HC No. 06378 with the following **MODIFICATIONS**:

- (1) For Criminal Case Nos. 276-V-09 and 278-V-09, the accused Mario Alvarez y Germones is **GUILTY** of two counts of rape by sexual assault and is hereby sentenced to suffer the penalty of imprisonment of 2 years, 4 months and 1 day of *prision correccional* medium as minimum to 8 years and 1 day of *prision mayor* medium as maximum for each count of rape by sexual assault. He is also ordered to pay in favor of the victim ₱75,000.00 as civil indemnity, ₱75,000.00 as moral damages and ₱75,000.00 as

- over -

184 /

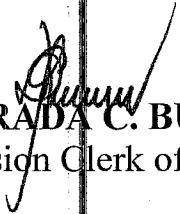
⁴ G.R. No. 202124, April 5, 2016, 788 SCRA 331, 382.

exemplary damages plus interest at the rate of six percent (6%) per annum from the finality of the decision until fully paid imposed on the said amounts.

- (2) For Criminal Case No. 277-V-09, the accused Mario Alvarez y Germones is found guilty of rape and is sentenced to *reclusion perpetua*. He is also **ORDERED** to pay ₱75,000.00 as civil indemnity, ₱75,000.00 as moral damages and ₱75,000.00 as exemplary damages plus interest at the rate of six percent (6%) per annum from the finality of the decision until fully paid imposed on the said amounts.

SO ORDERED.” *Perlas-Bernabe, J., on official business; Gesmundo, J., designated as Acting Working Chairperson per Special Order No. 2717 dated October 10, 2019; Zalameda, J., designated as Additional Member per Special Order No. 2712 dated September 27, 2019.*

Very truly yours,


LIBRADA C. BUENA
Division Clerk of Court

184

The Solicitor General
134 Amorsolo Street, Legaspi Village
1229 Makati City

Court of Appeals (x)
Manila
(CA-G.R. CR HC No. 06378)

The Hon. Presiding Judge
Regional Trial Court, Branch 172
1440 Valenzuela City
(Crim. Case Nos. 276-V-09, 277-V-09
& 278-V-09)

The Director General
Bureau of Corrections
1770 Muntinlupa City

PUBLIC ATTORNEY'S OFFICE
Special and Appealed Cases Service
Counsel for Accused-Appellant
DOJ Agencies Building
Diliman, 1101 Quezon City

Public Information Office (x)
Library Services (x)
Supreme Court
(For uploading pursuant to A.M.
No. 12-7-1-SC)

Mr. Mario G. Alvarez
Accused-Appellant
c/o The Director General
Bureau of Corrections
1770 Muntinlupa City

Judgment Division (x)
Supreme Court

UR


N/A

