

Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated January 15, 2020 which reads as follows:

“G.R. No. 245543 – PEOPLE OF THE PHILIPPINES, plaintiff-appellee, versus CONRADO REYES y MANGILA alias “RADING BABA”, accused-appellant.

After a careful review of the records of the case and the issues submitted by the parties, the Court finds no error committed in the Decision¹ dated August 31, 2018 of the Court of Appeals (CA) in CA-G.R. CR-H.C. No. 09804. The facts, as borne out by the records, sufficiently support the conclusion that accused-appellant Conrado Reyes y Mangila alias “Rading Baba” (Conrado) is indeed guilty of the crime of Rape through carnal knowledge as defined under paragraph 1(a) of Article 266-A and penalized under Article 266-B of Republic Act No. 8353. The issues and matters raised before the Court, the same ones as those raised in the CA, there being no supplemental briefs filed, were sufficiently addressed and correctly ruled upon by the CA.

It is well-settled that in the absence of facts or circumstances of weight and substance that would affect the result of the case, appellate courts will not overturn the factual findings of the trial court.² Thus, when the case pivots on the issue of the credibility of the victim, the findings of the trial courts necessarily carry great weight and respect as they are afforded the unique opportunity to ascertain the demeanor and sincerity of witnesses during trial.³ Here, after examining the records of

¹ *Rollo*, pp. 3-16. Penned by Associate Justice Apolinario D. Bruselas, Jr. with Associate Justices Myra V. Garcia-Fernandez and Ronaldo Roberto B. Martin, concurring.

² *People v. Gerola*, 813 Phil. 1055, 1064 (2017).

³ *People v. Aguilar*, 565 Phil. 233, 247 (2007).

this case, the Court finds no cogent reason to vacate the Regional Trial Court's appreciation of the evidence, which was affirmed by the CA.

The CA correctly ruled that all the elements of rape were proven by the prosecution: (1) Conrado had carnal knowledge of the victim AAA⁴ as established by the latter's clear and categorical testimony that the former inserted his penis into her vagina and (2) Conrado accomplished such act through force, threat, or intimidation as AAA positively testified that Conrado dragged her into his house, threatened to kill her, undressed her and forcibly inserted his penis into her vagina.⁵

The CA was likewise correct in ruling that there is no merit in the argument of Conrado that there was inconsistency in the testimony of AAA as to the date when the rape was committed.⁶ Since human memory is fickle and prone to the stresses of emotions, accuracy in a testimonial account has never been used as a standard in testing the credibility of a witness.⁷ The date and time of the commission of the crime of rape becomes important only when it creates serious doubt as to the commission of the rape itself or the sufficiency of the evidence for purposes of conviction. In other words, the "date of the commission of the rape becomes relevant only when the accuracy and truthfulness of the complainant's narration practically hinge on the date of the commission of the crime."⁸ Moreover, the date of the commission of the rape is not an essential element of the crime.⁹ Thus, said inconsistency in AAA's testimony is not sufficient to warrant the acquittal of Conrado.

⁴ The identity of the victim or any information which could establish or compromise her identity, as well as those of her immediate family or household members, shall be withheld pursuant to Republic Act (RA) No. 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; RA No. 9262, entitled "AN ACT DEFINING VIOLENCE AGAINST WOMEN AND THEIR CHILDREN, PROVIDING FOR PROTECTIVE MEASURES FOR VICTIMS, PRESCRIBING PENALTIES THEREFORE, AND FOR OTHER PURPOSES," approved on March 8, 2004; and Section 40 of A.M. 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, entitled "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); *People v. XXX*, G.R. No. 235652, July 9, 2018, accessed at <<http://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/64406>>.

⁵ *Rollo*, p. 10.

⁶ *Id.* at 11-12.

⁷ *People v. Pareja*, 724 Phil. 759, 774 (2014), citing *People v. Zafra*, 712 Phil. 559, 570-571 (2013).

⁸ *Id.*, citing *People v. Cantomayor*, 441 Phil. 840, 847 (2002).

⁹ *Id.*, citing *People v. Escultor*, 473 Phil. 717, 727 (2004).

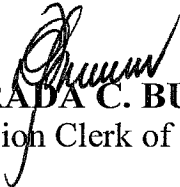
Lastly, the Court finds that the defenses of denial and alibi of Conrado have no leg to stand on. He merely alleged that at the time of the rape incident, he was in Pampanga Market working as a *kargador*. However, the CA is correct in ruling that his denial cannot prevail over the positive and categorical testimony of AAA. To overcome the evidence of the prosecution, an alibi must satisfy the test of full clear and satisfactory evidence. This test requires not only proof that the accused was somewhere else other than the scene of the crime, but clear and convincing proof of physical impossibility for him to have been at the place of the commission of the crime.¹⁰ However, Conrado never presented evidence that it was physically impossible for him to be at the scene of the crime. Neither was his testimony that he was at the Pampanga Market at the time of the incident corroborated by any witness.

Thus, Conrado is indeed guilty beyond reasonable doubt for the crime of Rape.

WHEREFORE, premises considered, the appeal is **DISMISSED** for lack of merit. The Decision dated August 31, 2018 of the Court of Appeals in CA-G.R. CR-H.C. No. 09804 is hereby **AFFIRMED**.

SO ORDERED.”

Very truly yours,


LIBRADA C. BUENA
Division Clerk of Court *sk 2/24*
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¹⁰ *People v. Villanueva*, 284-A Phil. 316, 320-321.



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07-3332)

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