



Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, Third Division, issued a Resolution dated **November 25, 2020**, which reads as follows:

“G.R. No. 247523 (*People of the Philippines v. Rolly Aca y Esios*). – After a thorough review of the case, the Court finds the appeal wanting in merit. The Court rules that the Court of Appeals (CA) in its Decision¹ dated April 16, 2019 in CA - G.R. CR-HC 01920 properly affirmed the Omnibus Judgment² dated August 16, 2017 of Branch 1, Regional Trial Court (RTC) of Butuan City in Criminal Case Nos. 13540 and 13541.

Accused-appellant was charged with two (2) counts of Rape of a 16-year old minor, his niece, AAA* under the following Informations:

Criminal Case No. 13540

That on or about the 8th day of July, 2009 at 6:00 o'clock in the evening, more or less, at [REDACTED], Agusan del Norte, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, who was armed with a bladed weapon, by means of force, threat and intimidation, did then and there willfully, unlawfully and feloniously have carnal knowledge of [REDACTED], a girl who is a 16-year old minor, against

¹ *Rollo*, pp. 5-16; penned by Associate Justice Edgardo T. Lloren with Associate Justices Evalyn M. Arellano-Morales and Florencio M. Manauag, Jr., concurring.

² *CA rollo*, pp. 65-86; penned by Presiding Judge Eduardo S. Casals.

* Section 44 of Republic Act No. 9262 (Anti-Violence against Women and Their Children Act of 2004) requires the confidentiality of all records pertaining to cases of violence against women and their children. Per said section, all public officers and employees are prohibited from publishing or causing to be published in any format the name and other identifying information of a victim or an immediate family member. The penalty of one (1) year imprisonment and a fine of not more than Five Hundred Thousand pesos (P500,000.00) shall be imposed upon those who violate the provision. Pursuant thereto, in the court's promulgation of decisions, final resolutions and/or final orders, the names of women and children victims shall be replaced by fictitious initials, and their personal circumstances or any information, which tend to identify them, shall likewise not be disclosed. (*People v. XXX*, G.R. No. 224594 (Notice), [March 11, 2019])

her will.

CONTRARY TO LAW.³

Criminal Case No. 13541

That on or about the 8th day of July, 2009 at 6:25 o'clock in the evening, more or less, at [REDACTED], Agusan del Norte, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, who was armed with a bladed weapon, by means of force, threat and intimidation, did then and there willfully, unlawfully, and feloniously have carnal knowledge of [REDACTED], a girl who is a 16-year old minor, against her will.

CONTRARY TO LAW.⁴

When arraigned, accused-appellant pleaded "not guilty" to the charges.

The Court sustains the findings of the lower courts that accused-appellant is guilty of two counts of Rape. The prosecution was able to establish that he had carnal knowledge of AAA, his niece, without her consent; and that the complained act was accomplished through the use of force or intimidation against AAA. The credibility of AAA is bolstered by her immediate reporting of the incident to her mother and authorities. The act proves that she did not have the luxury of time to concoct a rape story against accused-appellant, his own uncle.

Moreover, AAA's narration was corroborated by the medical findings of Dr. Gina R. Bacol (Dr. Bacol), who found (1) hematoma near the front of the victim's neck; (2) fresh lacerations on the hymen at 4 o'clock and 9 o'clock positions indicating forcible entry of a blunt object such as a male sex organ; (3) minimal body discharge within the victim's hymen and vagina, indicating that the lacerations were fresh; and (4) the presence of pus cells and bacteria not normally found in a vagina, thereby indicating sexual contact.⁵ Under the circumstances, when the testimony of a rape victim is consistent with the medical findings, there is sufficient basis to conclude that there has been carnal knowledge. Laceration, whether healed or fresh, is the best physical evidence of forcible defloration.⁶ The Supreme Court discussed in one case:

In *People v. Lopez*, the Court held that the gravamen of the offense of statutory rape as provided under the RPC is the carnal

³ *Id.* at 65.

⁴ *Id.* at 66.

⁵ *Rollo*, p. 8.

⁶ *People v. Manaligod*, G.R. No. 218584, April 25, 2018, 826 SCRA 751.

knowledge of a woman below twelve years of age. The only elements of statutory rape are: (1) that the offender had carnal knowledge of a woman; and (2) that the woman is under twelve (12) years of age.

With regard to the medical examination conducted, the Court has previously held that *“hymenal lacerations, whether healed or fresh, are the best evidence of forcible defloration. And when the consistent and forthright testimony of a rape victim is consistent with medical findings, there is sufficient basis to warrant a conclusion that the essential requisites of carnal knowledge have been established.”*

In *People v. Palanay*, the Court thoroughly explained that by the distinctive nature of rape cases, conviction usually rests solely on the basis of the testimony of the victim, provided that such testimony is credible, natural, convincing, and consistent with human nature and the normal course of things. Thus, the victim's credibility becomes the primordial consideration in the resolution of rape cases. The evaluation of the credibility of witnesses and their testimonies is a matter best undertaken by the trial court given its unique opportunity to observe the witnesses firsthand and to note their demeanor, conduct, and attitude under grilling examination. In this regard, factual findings of the trial court, its calibration of the testimonies of the witnesses, and its conclusions anchored on its findings are accorded by the appellate court high respect, if not conclusive effect, more so when affirmed by the CA.⁷ (Emphasis supplied, citations omitted)

In a bid to exonerate himself from the charges, accused-appellant claims that he and the victim were sweethearts.

The contention does not hold water.

It cannot be gainsaid that in instances where the accused raises the “sweetheart” defense, there must be proof by compelling evidence that the accused and the victim were in fact lovers and that the victim consented to the alleged sexual relations. The second is as important as the first, because love is not a license for lust. In fact, evidence of the relationship is required, such as tokens, love letters, mementos, photographs, and the like.⁸ Hence:

The sweetheart defense is not usually regarded with favor in the absence of strong corroboration. This is because the *mere fact that the accused and the victim were lovers should not exculpate him from criminal liability for rape*. In *People v. Orquina*, the Court observed that an allegation of a “love relationship” between the parties, even if found to be true, did not eliminate the use of force to consummate the crime because the gravamen of rape is the carnal knowledge of a woman *against her will and without her consent*. As declared

⁷ *People v. XXX*, G.R. No. 237424, (Notice) November 14, 2018.

⁸ *People v. Martinez*, 827 Phil. 410, 425 (2018), citing *People v. Olesco*, 663 Phil. 15, 16, 20-21 (2011).

in *People v. Gecomo*:

It should be borne in mind that *love is not a license for carnal intercourse through force or intimidation. Even granting that appellant and complainant were really sweethearts, that fact alone would not negate the commission of rape. A sweetheart cannot be forced to have sex against her will.* From a mere fiancé, definitely a man cannot demand sexual submission and, worse, employ violence upon her on a mere justification of love. A man can even be convicted for the rape of his common-law wife.⁹ (Emphasis supplied; citations omitted)

In this case, aside from accused-appellant's bare allegation that he and the victim were lovers, he failed to present any iota of evidence to establish his purported romantic relationship with the victim. This renders his claim self-serving and of no probative value.¹⁰ The trial court aptly observed:

Herein, child victim's tearful accounts of her ordeal in the hands of her uncle deserve full faith and credit. She tried to muster the courage to immediately [inform] her mother about what her uncle did to her on that fateful day of July 9, 2009 at 6:00 o'clock in the evening and 6:25 in the evening more or less x x x. [W]here she was ravished by the man whom she reposed trust and confidence, convinced that the way they took was the shortest way to reach the house of her aunt only to [learn] and [be] subjected to accused [sic] dastardly acts. Verily, it is improbable for an innocent girl, who is very naive to the things of the world, to fabricate a charge so humiliating not only to herself but to her family first to get even with her uncle.

The child victim's testimony indeed is straightforward and candid, unshaken by rigid cross-examination and unflawed by inconsistencies or contradictions in its material points, the same must be given full faith and credit.

Accused's protestation that the child victim is his sweetheart and that the sexual intercourse was consensual does [not] deserve weight. It is highly improbable for a 16 year old victim to have a relationship with the accused who has a live-in partner and who is her uncle. Other than the court has grave doubts as the claim considering that other than bare allegations no love letters or photos were presented. Such reasoning is a mere afterthought but only sway the court to believe even more the version of the prosecution.¹¹

Given the foregoing, the Court finds no cogent reason to disturb the uniform findings of the RTC and the CA that accused-appellant is guilty as charged. The Court must uphold the factual findings of the trial

⁹ *People v. Claro*, 808 Phil. 455, 462 (2017).

¹⁰ *People v. Martinez*, *supra* note 8.

¹¹ *CA rollo*, p. 85-86.

court in the absence of any showing that in assessing the witnesses' credibility, in relation to their testimonies, it had overlooked or misconstrued any relevant fact that would alter the result of the case.¹²

Under Article 266-B of the Revised Penal Code (RPC), as amended by Republic Act No. (RA) 8353, Simple Rape is punishable by the penalty of *reclusion perpetua*. Where the victim is under 18 years of age and the offender is a parent, ascendant, step-parent, guardian, relative by consanguinity or affinity within the third civil degree, or the common-law spouse of the parent of the victim, the proper penalty is death.¹³

In the instant case, the victim was sixteen (16) years of age when she was raped by her own uncle. Her age and blood relation with accused-appellant were not disputed. As such, death penalty should have been imposed were it not for the enactment of RA 9346.¹⁴ The lower courts thus correctly sentenced accused-appellant to *reclusion perpetua* without eligibility for parole.¹⁵

In conformity with prevailing jurisprudence, the award of P75,000.00 moral damages and P75,000.00 exemplary damages should be increased to P100,000.00 each. In addition, the Court awards P75,000.00 to the victim as civil indemnity. All the monetary awards shall earn interest at the rate of 6% *per annum* from the date of finality of this Resolution until paid in full.¹⁶

WHEREFORE, the appeal is **DISMISSED**. The Court **ADOPTS** the factual findings and conclusions of law of Branch 1, Regional Trial Court of Butuan City in Criminal Case Nos. 13540 and 13541 as affirmed by the Court of Appeals. The assailed Decision dated April 16, 2019 in CA-G.R. CR-HC 01920 is **AFFIRMED** with **MODIFICATIONS** in that accused-Appellant is sentenced to suffer the penalty of *reclusion perpetua* without eligibility for parole. Civil indemnity, moral damages, and exemplary damages shall all be in the amount of P100,000.00 for each case. All the monetary awards shall earn interest at the rate of 6% *per annum* from the date of finality of this Resolution until paid in full.

¹² *People v. Caipang*, *supra*, citing *People v. Gomez*, 826 Phil. 561, 568 (2018).

¹³ *People v. XXX*, G.R. No. 225339, July 10, 2019.

¹⁴ "An Act Prohibiting the Imposition of Death Penalty in the Philippines."

¹⁵ *Id.* citing SEC. 3. Persons convicted of offenses punished with *reclusion perpetua*, or whose sentences will be reduced to *reclusion perpetua*, by reason of this Act, shall not be eligible for parole under Act No. 4103, otherwise known as the Indeterminate Sentence Law, as amended. An Act Prohibiting the Imposition of Death Penalty in the Philippines, Republic Act No. 9346.

¹⁶ *People v. XXX*, G.R. No. 225339, July 10, 2019, citing *People v. Jugueta*, 783 Phil. 806 (2016).

SO ORDERED."

By authority of the Court:

Misael C. Batt
MISAELO DOMINGO C. BATTUNG III
Division Clerk of Court

Atty. Charmine May C. Amiran
Regional Special & Appealed Cases Unit
PUBLIC ATTORNEY'S OFFICE
2/F BJS Building
Triano Brothers cor. San Agustin Sts.
9000 Cagayan de Oro City

COURT OF APPEALS
CA G.R. CR-HC No. 01920-MIN
9000 Cagayan de Oro City

OFFICE OF THE SOLICITOR GENERAL
134 Amorsolo Street
1229 Legaspi Village, Makati City

The Presiding Judge
REGIONAL TRIAL COURT
Branch 1, 8600 Butuan City
(Crim. Case Nos. 13540 and 13541)

The Superintendent
DAVAO PRISON & PENAL FARM
8105 B.E. Dujali, Davao del Norte

Accused-Appellant W/ Prison No. D218P-0062
c/o The Superintendent
DAVAO PRISON & PENAL FARM
B.E. Dujali, 8105 Davao del Norte

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