

# FIRST DIVISION

[ G.R. No. 225961, January 06, 2020 ]

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.  
PAOLO LUIS GRATELA Y DAVILLO, ACCUSED-APPELLANT.**

## DECISION

**REYES, J. JR., J.:**

A conviction for rape may be sustained based on the medical-legal report and testimonial evidence of the victim and the medico-legal officer.

### The Case

This is an ordinary appeal from the March 27, 2015 Court of Appeals (CA) Decision<sup>[1]</sup> in CA-G.R. CR-HC No. 05925, affirming the October 25, 2012 Regional Trial Court (RTC) Decision<sup>[2]</sup> in Criminal Case No. 09-1742, finding the accused guilty of statutory rape.

### The Facts

In an Information dated July 14, 2009,<sup>[3]</sup> accused-appellant Paolo Luis Gratela y Davilla (Gratela) was charged with statutory rape of a seven-year old girl, AAA.<sup>[4]</sup> During arraignment, he pleaded not guilty.<sup>[5]</sup> At the pre trial, both parties stipulated that: (1) the court has jurisdiction over the case, and (2) the age of the complainant/victim at the time of the alleged crime was seven years old.<sup>[6]</sup> Thereafter, trial proceeded.

The prosecution presented four witnesses: (1) AAA, the victim; (2) BBB, the victim's mother; (3) Police Officer 2 (PO2) Mary Grace Agustin, the investigator; and (4) Police Chief Inspector Marianne S. Ebdane, M.D., the medico-legal officer.

The prosecution presented the following as documentary evidence: (1) AAA's *Sinumpaang Salaysay*;<sup>[7]</sup> (2) BBB's *Sinumpaang Salaysay*;<sup>[8]</sup> (3) Request for physical and genital examination;<sup>[9]</sup> (4) Initial Medico-Legal Report;<sup>[10]</sup> (5) August 12, 2009 RTC Order for the issuance of warrant of arrest against the accused;<sup>[11]</sup> (6) Manifestation of Consent;<sup>[12]</sup> (7) Sexual Crime Protocol;<sup>[13]</sup> and (8) Medico-Legal Report R09-874.<sup>[14]</sup>

During trial, AAA testified that she was born on October 27, 1999 and reiterated the contents of her *Sinumpaang Salaysay*. She narrated that sometime in the afternoon of July 2007 she went to the accused's house to look for his sister, who is her friend. Unable to find her because she was sleeping, AAA went inside the accused's room and sat on the sofa. The accused approached AAA and pulled down her shorts and underwear. He also pulled down his clothes, and then he rubbed his penis into her vagina. AAA did not look at what was happening because of fear. Afterwards, she

pulled up her garments and went home. She kept the incident to herself because she feared her mother might scold her.<sup>[15]</sup>

On April 15, 2009, AAA and BBB were watching a television show, which involved a rape scene. Triggered by what she saw, AAA told BBB about what the accused did to her.<sup>[16]</sup>

BBB confirmed AAA's narration during trial<sup>[17]</sup> and in her own *Sinumpaang Salaysay*.<sup>[18]</sup> She asked AAA if the accused penetrated her and the latter said that she was not looking but she felt pain on her vagina. AAA also told her that the accused asked her to moan while doing the act.<sup>[19]</sup>

PO2 Mary Grace Agustin testified that in April 2009 she was assigned at the Women's and Children Protection Desk of the Makati Police Station. She received a complaint from AAA and BBB about an alleged rape incident that took place in July 2007. She interviewed them, and reduced her questions and their answers in their respective sworn statements. She also prepared a request for physical and genital examination of AAA.<sup>[20]</sup>

Police Chief Inspector Marianne S. Ebdane testified that she was assigned as a medico-legal officer at the Philippine National Police Crime Laboratory since September 2004. On April 16, 2009, she encountered AAA and BBB, who presented to her a request for physical and genital examination of AAA. She gave BBB a Manifestation and Consent form before conducting the examination. Afterwards, she filled up a Sexual Crime Protocol form showing the information about the alleged crime. Thereafter, she proceeded with AAA's physical and genital examination, and found healed laceration and red clots. She concluded that there is clear evidence of blunt force or penetrating trauma. She indicated her findings and conclusion in Medico-Legal Report R09-784.<sup>[21]</sup>

For his defense, the accused denied the accusations against him, and alleged that he was frequently out of their house and stayed in his friends' house at the time of the incident. He averred that he had so much respect for AAA's family since they were neighbors, and that his conscience would not allow him to commit such act. He testified that money could be a reason why a complaint was filed against him, because his father worked abroad. He also opined that AAA made up a story about the incident.<sup>[22]</sup> He confirmed that he executed a counter-affidavit to AAA's complaint,<sup>[23]</sup> and claimed that the examination on AAA had no probative value because it was conducted two years after the incident.<sup>[24]</sup>

### **The RTC Decision**

On October 25, 2012, the RTC rendered a decision finding Gratela guilty beyond reasonable doubt of statutory rape through sexual intercourse. The RTC imposed the penalty of *reclusion perpetua*, and ordered him to pay P75,000.00 as civil indemnity, P75,000.00 as moral damages, and P75,000.00 as exemplary damages.<sup>[25]</sup>

The RTC ruled the presence of all the elements of statutory rape: (1) the accused had carnal knowledge of the offended party, and (2) the offended party was below 12 years at the time of the commission of the crime. Jurisprudence dictates that the slightest touch of the vagina consummates rape, and vaginal pain indicates penile penetration. Here, the medico-legal officer found clear evidence of blunt force or

penetrating trauma to the vagina. Further, it was uncontested that the victim was seven years old at the time of the commission of the crime. Hence, the RTC convicted Gratela of statutory rape through sexual intercourse.<sup>[26]</sup> Gratela appealed his conviction to the CA.<sup>[27]</sup>

### **The CA Decision**

On March 27, 2015, the CA rendered a decision denying the appeal and affirming the RTC decision.<sup>[28]</sup>

The CA rejected Gratela's argument that it was impossible to commit the sexual act inside his house where other people reside. Jurisprudence pronounced that lust is no respecter of time and place, so that rape can occur even when people are around. Here, Gratela committed the sexual act inside his room while his sister was sleeping in the other room. Thus, his claim fails.<sup>[29]</sup>

The CA also turned down Gratela's contention that AAA's accusation is questionable because of the length of time it took to report the crime. The CA stated that there was sufficient explanation for the delay in reporting the crime. AAA was only seven years at the time of the incident and was easily threatened of the shame it would bring if she told anyone about it. When AAA was a teenager, she found courage to share her secret to her mother.<sup>[30]</sup>

The CA held that AAA's narration is consistent with the medico-legal officer's report showing healed laceration caused by a blunt force or penetrating trauma due to sexual intercourse. The defense of denial and alibi were unsupported and did not overcome AAA's positive identification. Hence, the CA affirmed Gratela's conviction. The accused appealed to the Court.<sup>[31]</sup>

### **The Issue Presented**

The parties manifested that they will no longer file a supplemental brief as the issues and arguments had been discussed in their respective briefs filed before the CA. In essence, they are adopting the briefs as their supplemental briefs.<sup>[32]</sup>

Accused-appellant Gratela contends that: (1) it was improbable for him to commit the sexual act considering that he had companions in the house; (2) the veracity and accuracy of AAA's account is questionable because of the lapse of time before she revealed the incident; (3) BBB's testimony was inconsistent with AAA's testimony; and (4) the medico-legal officer who examined AAA did not testify in court as to her findings.<sup>[33]</sup>

On the other hand, the complainant-appellee People of the Philippines, through the Office of the Solicitor General (OSG), maintains that: (1) the prosecution had proven Gratela's guilt beyond reasonable doubt as all the elements of the crime had been established; and (2) the medico-legal officer appeared in court on June 23, 2010.<sup>[34]</sup>

In sum, the issue to be resolved is whether or not CA erred in affirming Gratela's conviction.

### **The Court's Ruling**

The appeal is denied.

In *People v. Ejercito*,<sup>[35]</sup> the Court explained that Republic Act (R.A.) No. 8353 or the Anti-rape Law, amending the Revised Penal Code (RPC), should be uniformly applied in rape cases against minors. The *Ejercito* case was reiterated in the more recent case of *People v. Tulagan*.<sup>[36]</sup>

Between Article 266-A of the RPC, as amended by [R.A. No.] 8353, x x x and Section 5 (b) of [R.A. No.] 7610, the Court deems it apt to clarify that Ejercito should be convicted under the former. Verily, penal laws are crafted by legislature to punish certain acts, and when two (2) penal laws may both theoretically apply to the same case, then the law which is more special in nature, regardless of the time of enactment, should prevail. In *Teves v. Sandiganbayan*:

It is a rule of statutory construction that where one statute deals with a subject in general terms, and another deals with a part of the same subject in a more detailed way, the two should be harmonized if possible; but **if there is any conflict, the latter shall prevail regardless of whether it was passed prior to the general statute**. Or where two statutes are of contrary tenor or of different dates but are of equal theoretical application to a particular case, **the one designed therefor specially should prevail over the other**. (Emphases in the original)

After much deliberation, **the Court herein observes that [R.A. No.] 8353 amending the RPC should now be uniformly applied in cases involving sexual intercourse committed against minors, and not Section 5 (b) of [R.A. No.] 7610. Indeed, while [R.A. No. 7610] has been considered as a special law that covers the sexual abuse of minors, [R.A. No.] 8353 has expanded the reach of our already existing rape laws. These existing rape laws should not only pertain to the old Article 335 of the RPC but also to the provision on sexual intercourse under Section 5 (b) of (R.A. No.) 7610 which, applying *Quimvel's* characterization of a child "exploited in prostitution or subjected to other abuse," virtually punishes the rape of a minor**. (Emphasis supplied)

Article 266-A of the RPC states that rape through sexual intercourse is committed as follows:

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. (Emphasis supplied)