

## THIRD DIVISION

[ G.R. No. 229209, February 12, 2020 ]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ZZZ,  
ACCUSED-APPELLANT.**

### DECISION

**LEONEN, J.:**

The lower court's determination of witness credibility will seldom be disturbed on appeal, unless significant matters have been overlooked. Reversal of these findings becomes even more inappropriate when affirmed by the Court of Appeals.<sup>[1]</sup>

In determining a victim's credibility in rape cases, however, courts should be wary of adopting outdated notions of a victim's behavior based on gender stereotypes. Regardless of such preconceptions, conviction may be warranted based "solely on the testimony of the victim, provided of course, that the testimony is credible, natural, convincing, and consistent with human nature and the normal course of things."<sup>[2]</sup>

For this Court's resolution is an appeal filed by ZZZ. He questions the Decision<sup>[3]</sup> of the Court of Appeals, which affirmed the Regional Trial Court's finding<sup>[4]</sup> that he was guilty beyond reasonable doubt of raping his granddaughter AAA. The Information charging him with the crime read:

That during the month of December 2010, at Sitio Anahaw, Barangay Otod, Municipality of San Fernando, Province of Romblon, Philippines, and within the jurisdiction of this Honorable Court, the said accused, through force, threat and intimidation and by taking advantage of the minority and lack of education of [AAA], did then and there willfully, unlawfully and feloniously had (sic) carnal knowledge of [AAA], a minor, 15 years of age, without her consent and against her will and that the commission of this crime of rape demeans, debases and degrades the intrinsic worth and dignity of said [AAA] as a human being.

That the accused is the grandfather of the victim [AAA].

CONTRARY TO LAW.<sup>[5]</sup>

ZZZ pleaded not guilty during his arraignment,<sup>[6]</sup> initiating trial. The prosecution offered the testimonies of the victim AAA, Dr. Lolinie Celestial B. Montojo (Dr. Montojo), Rosa Ravallo (Ravallo), and Barangay Captain Manuel Lotec (Barangay Captain Lotec).

AAA testified that she lived together with ZZZ, who was her grandfather, while her mother and other siblings lived separately. As she could neither read nor write, she

had to be assisted by an officer from the Department of Social Welfare and Development in executing her sworn statement with the interviewing police officer.  
[7]

The incident, according to AAA, happened sometime in December 2010, before Christmas. She had been weeding grass near their house prior; it was when she went home, she recalled, that her grandfather raped her. ZZZ placed himself on top of her and kissed her lips and genitals. Then, when he had already undressed her, he turned her sideways and inserted his penis into her vagina. Finally, when the ordeal was over, AAA left the house, went to the forest, and there slept.<sup>[8]</sup>

When AAA tried to come home the following day, ZZZ allegedly attacked her with a bolo.<sup>[9]</sup> She was allegedly able to parry ZZZ's attacks, allowing her to run and seek help from Lotec, the barangay captain.<sup>[10]</sup>

Although she could only recall the December 2010 incident, AAA testified that such incidents where ZZZ raped her would often happen. She was not cross-examined by the defense.<sup>[11]</sup>

Barangay Captain Lotec testified that on January 9, 2011, he received a report from the barangay record keeper that a child was seeking help because she "was being chased and raped by a certain ZZZ."<sup>[12]</sup> He asked the record keeper to bring him the child, who turned out to be AAA. When the girl told him that ZZZ had raped her, Barangay Captain Lotec brought her to the police station where a police officer and a local social worker attended to her. Upon cross-examination, Barangay Captain Lotec described AAA during their conversation as "pale and trembling."<sup>[13]</sup>

Rosa Ravalo (Ravalo) testified that she was the social worker who acted as AAA's guardian when the case was filed at the police station. She assisted AAA in executing her affidavit by translating the Tagalog statement, which AAA did not understand, to Visayan. She also interviewed AAA about the rape and accompanied her to her medical exam. On cross-examination, Ravalo admitted that when she reached the station, AAA was already being interviewed by a police officer. On re-direct examination, she identified her signature on AAA's affidavit.<sup>[14]</sup>

Dr. Montojo, AAA's examining physician, testified that she interviewed and examined the girl regarding the incident in December 2010. Dr. Montojo was not cross-examined, as the parties stipulated on the existence and due execution of AAA's medical certificate.<sup>[15]</sup>

For the defense, only ZZZ was presented as witness. He denied the accusation that he raped his granddaughter, claiming that his advanced age has long made him incapable of having an erection.<sup>[16]</sup>

After trial, the Regional Trial Court rendered a March 8, 2013 Decision<sup>[17]</sup> finding ZZZ guilty beyond reasonable doubt of raping AAA. It disposed as follows:

WHEREFORE, judgment is rendered finding accused [ZZZ] GUILTY beyond reasonable doubt of the crime of Rape, defined and penalized under Article 266-A, par. 1 (a) or the Revised Penal Code and hereby

sentence (*sic*) to suffer the penalty of *reclusion perpetua* pursuant to Art. 266-B of the Revised Penal Code and to pay the complainant [AAA] the sums of P75,000.00 as indemnity and P50,000.00 as moral damages.

SO ORDERED.<sup>[18]</sup>

The trial court found AAA's testimony credible and sufficiently corroborated by the medico-legal certificate and the other witnesses' testimonies. It likewise appreciated Barangay Captain Lotec's testimony of having seen AAA pale and trembling as corroborative proof that AAA was telling the truth about her rape. It also noted that AAA's sworn statement was uncontroverted by the defense. To the trial court, her positive testimony prevailed over ZZZ's defense of denial.<sup>[19]</sup>

However, the trial court did not appreciate AAA's alleged minority as the prosecution failed to present proof of her age at the time of her rape.<sup>[20]</sup>

ZZZ appealed to the Court of Appeals.<sup>[21]</sup> He questioned AAA's credibility, particularly because her account of having parried his alleged hacking at her with a bolo, without sustaining any injury, was supposedly unbelievable.<sup>[22]</sup>

ZZZ also discredited the other prosecution witnesses. He asserted that Barangay Captain Lotec's testimony was hearsay because it was based only on what was told by their record keeper, who was not even presented as witness.<sup>[23]</sup> As for Ravallo, ZZZ claimed that her participation was limited only to translating AAA's affidavit to a language that AAA could understand. Moreover, ZZZ insisted that the medical certificate was "equivocal and inconclusive"<sup>[24]</sup> as it only indicated old , healed lacerations of AAA's hymen, without indication of whether it was caused by penile penetration, let alone that it was done by ZZZ.<sup>[25]</sup>

Finally, ZZZ objected to the trial court's treatment of his denial and alibi as inherently weak in the face of AAA's positive identification. Citing jurisprudence, he countered that "[a] lying witness can make as positive an identification as a truthful witness can."<sup>[26]</sup>

On the other hand, the Office of the Solicitor General argued in its Brief that the prosecution was able to establish all the elements of rape. It detailed how AAA's testimony identified ZZZ as the person who had carnal knowledge of her while holding moral ascendancy over her as her grandfather and father figure.<sup>[27]</sup>

The Office of the Solicitor General further argued that the testimonies of the prosecution's witnesses were credible. According to it, the victim's statement "says in effect all that is necessary to show that rape has been committed,"<sup>[28]</sup> which, if credible, warrants conviction. It pointed out that AAA escaped from ZZZ's attack unscathed because she successfully parried his bladed weapon, and that during the interview, she appeared pale and trembling-only normal behavior for one who escaped such an attack. It also posited that Barangay Captain Lotec's testimony corroborated AAA's statement, as he was able to personally interview her.<sup>[29]</sup>

Further, the Office of the Solicitor General argued that the medical certificate did not need to conclude that AAA's injuries were caused by sexual abuse to corroborate her

testimony of rape. It maintains that a finding of old and healed lacerations has been deemed in jurisprudence as "compelling physical proof of defloration."<sup>[30]</sup>

As to the impotency claim, the Office of the Solicitor General asserted that such defense was in vain. It argued that impotency should be proven with certainty to overcome the presumption of potency—one that ZZZ failed to do, with only bare allegations as his proof.<sup>[31]</sup>

Finally, the Office of the Solicitor General reiterated the rule that denial and alibi cannot stand against the positive and credible witness testimony identifying the accused as the perpetrator. It asserted that the prosecution witnesses' testimonies clearly established ZZZ's criminal liability.<sup>[32]</sup>

In any event, the Office of the Solicitor General maintained that, absent matters that were overlooked, the trial court's appreciation of the witnesses' comportment was entitled to the highest respect, it having had the opportunity to observe the witnesses' demeanor during trial.<sup>[33]</sup>

In its November 3, 2015 Decision,<sup>[34]</sup> the Court of Appeals affirmed the trial court's findings and declared ZZZ guilty beyond reasonable doubt of rape. However, it modified the damages imposed:

WHEREFORE, in the light of the foregoing premises, the instant APPEAL is hereby DENIED and the Decision dated March 8, 2013 of the Regional Trial Court of Romblon in Criminal Case No. 2919 on the guilt of accused-appellant [ZZZ] guilty beyond reasonable doubt of the crime of rape is hereby AFFIRMED with MODIFICATION insofar as the award of P75,000.00 as civil indemnity which is reduced to P50,000.00. In addition to the award of P50,000.00 as moral damages, the appellant is ordered to pay exemplary damages in the amount of P30,000.00, with legal rate of interest of six (6) percent per annum on all monetary awards from the date of finality of this Judgment.

SO ORDERED.<sup>[35]</sup>

The Court of Appeals found AAA's testimony credible and sufficiently corroborated by the other prosecution witnesses' testimonies. According to it, AAA "positively identified [ZZZ] as her abuser [and] did not waver on the material points of her testimony."<sup>[36]</sup> Even if ZZZ's contentions on the absence of corroboration were to be believed, the Court of Appeals held that "corroboration is not indispensable for condemnation[.]"<sup>[37]</sup>

The Court of Appeals also found no merit in ZZZ's argument that sexual intercourse was impossible as his advanced age allegedly rendered him impotent. Not only did it find no proof of his supposed impotence, but it also held that "age is not a criterion taken alone in determining sexual interest and capability of middle-aged and older people."<sup>[38]</sup> On the contrary, the Court of Appeals cited the medical report finding lacerations in AAA's hymen, which it took together with AAA's positive identification of ZZZ as assailant as proof of the rape.<sup>[39]</sup>

On November 13, 2015, ZZZ filed a Notice of Appeal, which the Court of Appeals gave due course to, later elevating the case records to this Court.<sup>[40]</sup> Upon noting receipt of the case records, this Court ordered the parties to submit supplemental briefs.<sup>[41]</sup> Both parties manifested that their Briefs before the Court of Appeals sufficiently discussed their arguments.<sup>[42]</sup>

The case presents the sole issue of whether or not the prosecution was able to prove beyond reasonable doubt the guilt of accused-appellant ZZZ for the crime of rape.

The appeal is dismissed.

The Court of Appeals correctly affirmed the Regional Trial Court's Decision holding accused-appellant guilty beyond reasonable doubt of rape. Article 266-A of the Revised Penal Code prescribes rape, as follows:

Article 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 otherwise unconscious;

c) By means of fraudulent machination or grave abuse of authority; and

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.

Here, as the lower courts found, accused-appellant had carnal knowledge of AAA without her consent and by using his moral ascendancy over her as her grandfather and father figure.

While accused-appellant attempts to cast doubt on the credibility of the prosecution's witnesses, the settled rule is that the trial court's determination of witness credibility will not be disturbed on appeal unless significant matters have been overlooked. Such determination is treated with respect, as the trial court has the opportunity to observe the witnesses' demeanor during trial. Its findings assume even greater weight when they are affirmed by the Court of Appeals.<sup>[43]</sup>

Here, the Regional Trial Court found AAA's testimony credible and sufficiently corroborated.<sup>[44]</sup> Her straightforward and positive testimony that her grandfather raped her, Barangay Captain Lotec's testimony stating that she was "pale and trembling," the medical certificate indicating lacerations to her hymen, and accused-appellant's own admission of the paternal relationship between him and the victim were collectively deemed sufficient for conviction. For its part, the defense did not even cross-examine AAA to test her credibility.<sup>[45]</sup>