FIRST DIVISION

[G.R. No. 240217, June 23, 2020]

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. REGGIE BRIONES Y DURAN, ACCUSED-APPELLANT.

DECISION

PERALTA, C.J.:

For consideration of the Court is the appeal of the Decision[1] dated January 22, 2018 of the Court of Appeals (*CA*) in CA-G.R. CR HC No. 09007 which affirmed, with modification, the Decision[2] dated May 26, 2016 of the Regional Trial Court (*RTC*) of Masbate City, Branch 48, finding Reggie Briones y Duran guilty beyond reasonable doubt of the crime of rape under Article 266-A, paragraph (1) of the Revised Penal Code (*RPC*).

The antecedent facts are as follows.

Reggie Briones y Duran was charged with the crime of rape in an Information, the accusatory portion of which reads:

> That on or about July 19, 2006, at 1:00 o'clock in the afternoon at Sitio DDDDDD, Barangay PPPPPP, district 111111, Municipality of MMM, Province of Masbate, Philippines and within the jurisdiction of this Honorable Court, the above-named accused with lewd design and deliberate intent and abuse of confidence and by means of force and intimidation, did then and there wilfully, unlawfully and feloniously have carnal knowledge with one FFF, a 12-year-old child, against her will.[3]

During arraignment, Briones, assisted by counsel, pleaded not guilty to the charge. Subsequently, trial on the merits ensued. By the testimonial and documentary evidences, the prosecution sought to establish the following facts:

On July 19, 2006, FFF,[4] a twelve (12)-year-old girl,[5] was alone in their house when Briones arrived to watch television. Since Briones was their neighbor whom she considered her "kuya," FFF let Briones inside the house. Upon arriving, Briones asked FFF to increase the volume of the television as he closed the front door. He then embraced FFF, pushed her to the door, and forcibly removed her underpants. While they were in a standing position, he was able to insert his penis into her vagina. FFF tried to push Briones away and pleaded for him to stop, but he was still able to consummate his sexual desire. Subsequently, Briones told FFF not to tell anybody what happened or he would kill her and all the members of her family. The sexual encounters between FFF and Briones were repeated eight (8) more times. But FFF did not tell anyone what Briones had been doing to her for fear for her life and the lives of her family. Despite this, her parents still learned of her ordeal in December 2006 when she missed her monthly period. Consequently, her parents

brought her to the City Health Office where the examination by Dr. Natividad Isabel R. Magbalon conducted on January 1, 2007 revealed that FFF was pregnant with completely healed old hymenal lacerations at 1, 6, and 9 o'clock positions. FFF's father asserted the Briones is their neighbor and a close family friend who had free access to their house as he was treated like a member of the family.[6]

For his part, Briones denied the accusation against him. He insisted that he and FFF became sweethearts in July 2006, but they hid their relationship from FFF's parents as she was only around thirteen (13) years old at that time. To prove that they were indeed lovers, Briones presented the following letters written by FFF: (1) a letter dated June 26, 2006; (2) an undated letter where she wrote "my father or mother might see you, tell them we just kissed thrice and nothing else happened" in the vernacular; and (3) a letter dated November 28, 2006, which was written after her sister saw them in the kitchen partially naked, having just been sexually intimate. The defense also presented Briones' cousin, Mary Ann Briones, to corroborate his claim. Mary Ann testified that FFF disclosed to her that FFF had a romantic relationship with Briones. She added that there was even a time when FFF and her younger brother went to Briones' house where Mary Ann was also staying. Then, FFF and Briones went inside the latter's bedroom for about 30 minutes, while Mary Ann and FFF's brother were watching television in the living room. Mary Ann insisted that what happened between FFF and Briones was consensual in nature, because she was the one who delivered FFF's love letters to Briones.[7]

On May 26, 2016, the RTC rendered its Decision finding Briones guilty of the crime charged, disposing of the case as follows:

> **WHEREFORE**, in view of all the foregoing, this Court finds the accused REGGIE D. BRIONES guilty beyond reasonable doubt (of] the crime of RAPE and is hereby sentenced to suffer the penalty of *Reclusion Perpetua*.
>
> The accused shall be credited in full for the period of his preventive imprisonment.
>
> The accused is hereby ordered to indemnify the victim FFF in the amount of Php75,000.00 as civil indemnity, Php75,000.00 as payment for moral damages and Php30,000.00 as exemplary damages.
>
> SO ORDERED.[8]

The RTC found that, judging on the basis of the testimonies of both the prosecution and defense in connection with which documentary pieces of evidence were formally offered, the prosecution sufficiently established that Briones has committed the offense charged against him.

In a Decision dated January 22, 2018, the CA affirmed, with modification, the RTC Decision in the following manner:

> **WHEREFORE**, premises considered, the appeal filed by Reggie Briones y Duran is DENIED. The [May 26, 2016] Decision of the Regional Trial Court of Masbate City, Branch 48 is **AFFIRMED** with the following MODIFICATIONS: (1) the award of exemplary damages is INCREASED to

P75,000.00; and (2) all the amounts of damages awarded shall earn interest at the rate of six percent (6%) per annum from the date of finality of judgment until fully paid.

SO ORDERED.[9]

According to the appellate court, there is no reason to disturb the findings of the RTC holding that FFF's credibility, by well-established precedents, is given great weight and accorded high respect.

Now before Us, Briones manifested that he is dispensing with the filing of a supplemental brief, considering that he had exhaustively discussed the assigned errors in his Appellant's Brief filed before the CA.[10] The Office of the Solicitor General (OSG) similarly manifested that it had already discussed its arguments in its Appellee's Brief.[11]

In his Brief, Briones criticized the ruling of the trial court for having conflicting findings. While the body of the decision found him guilty of violating an unspecified provision of R.A. No. 7610, its *fallo*, however, indicates that he is guilty beyond reasonable doubt of the crime of rape. But according to him, rape under the RPC cannot be complexed with a violation of R.A. No. 7610, a special law. Thus, the trial court erred in concluding that his "*sweetheart theory*" is not a defense to offenses under R.A. No. 7610. But even assuming that the RTC convicted him of rape under Article 266-A of the RPC, Briones claimed that the trial court had no basis to do so. He maintained that he was able to establish by convincing proof his "*sweetheart defense*" and that the sexual intercourse that transpired between him and FFF was free and voluntary on their part given that they are lovers. In particular, Briones presented love letters written by FFF for him, as well as the testimony of his cousin Mary Ann. Moreover, contrary to the findings of the trial court, Briones insists that FFF's testimony cannot be given credence. For one, it is contrary to human experience that she did not shout during that long time when he allegedly raped her. For another, FFF's conduct after the alleged rape belies her claims, specifically, when she washed her bloodied underwear, went to school, and even had more sexual encounters with him. According to Briones, these were all indicative of FFF's love for him. In the end, he claimed that it is only the scandal of their love affair and FFF's consequent pregnancy that motivated FFF's family members to pursue the case against him.[12]

After a careful review of the records of this case, the Court finds no cogent reason to reverse the rulings of the RTC and the CA finding Briones guilty of the acts charged against him.

Prefatorily, We begin by addressing Briones' criticism of the trial court's decision insofar as the apparent confusion between rape under the RPC and under R.A. No. 7610 is concerned. In *People v. Tulagan*,[13] the Court ruled that "force, threat or intimidation" is the element of rape under Article 266-A(1)(a)[14] of the RPC, while "due to coercion or influence of any adult, syndicate or group" is the operative phrase for a child to be deemed "exploited in prostitution or other sexual abuse," which is the element of sexual abuse under Section 5(b)[15] of R.A. No. 7610. In the event where the elements of both violations of Section 5(b) of R.A. No. 7610 and of Article 266-A, paragraph 1(a) of the RPC are mistakenly alleged in the same

Information and proven during the trial in a case where the victim who is 12 years old or under 18 did not consent to the sexual intercourse, *Tulagan* directs that the accused should still be prosecuted and penalized pursuant to the RPC, as amended by R.A. No. 8353, which is the more recent and special penal legislation that is not only consistent, but also strengthens the policies of R.A. No. 7610.[16]

In the present case, when there may be inconsistencies in the decision of the RTC, We sustain the finding of the CA that the same would be of little significance in view of the fact that the prosecution duly established, by competent evidence, Briones' guilt of the crime as charged in the Information. To recall, said Information states:

> That on or about July 19, 2006, at 1:00 o'clock in the afternoon at Sitio DDDDDD, Barangay PPPPPP, district 111111, Municipality of MMM, Province of Masbate, Philippines and within the jurisdiction of this Honorable Court, the above-named accused with lewd design and deliberate intent and a buse of confidence and by **means of force and intimidation**, did then and there wilfully, unlawfully and feloniously have carnal knowledge with one FFF, a 12[-]year[-]old child, against her will. [17]

As mentioned previously, the elements of rape are provided under Article 266-A, paragraph (1)(a) of the RPC which provides that 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."[18] Accordingly, We concur with the findings of the courts below that the prosecution was able to prove these elements through the credible testimony of FFF who painstakingly recalled, in a sincere and convincing manner, how Briones succeeded in having carnal knowledge of her through force, threat, and intimidation. FFF vividly testified on the matter as follows:

> Q: Can you tell us what happened in the afternoon on that day while you were inside your house?
> A: While I was inside our house on July 19, 2006 and our television set was open at that time, while my mother and my father went outside of the house because they were attending to the hallow blocks which is a little bit far from our house.
>
> x x x x
>
> Q: What incident do you recall on such date and time while you were alone inside your house?
> A: While I was alone the accused entered our house and requested to increase the volume of our television set and I followed him and I went near to the television set and increase[d] the volume of it.
>
> Q: After you increased the volume of the television and after Reggie has already entered your house, what happened next?
> A: Then he closed our door.

Q: Did he lock your door?
A: Yes, sir.

Q:After he locked the door, what else transpired, Madam Witness?
A: He pulled me near the television and pushed me to our door.

PROS. MESA :
We would like to [put] it of record that the witness has been crying from the very beginning of her testimony up to now.

COURT:
Noted.

PROS. MESA
Q: After you were pinned down in (sic) the door of (sic) Reggie what else did he do?
A: He held my hands and using his feet, he removed my short.

Q: While he did that to you, what did you do, Madam Witness?
A: I was trying to push him away and I plead not to do that to me but he still continued.

x x x x

Q: After he was able to remove your short, what else did he do?
A: He told me that, if ever you [reveal] this matter, I will kill all the members of your family, one by one. (sic)

Q: After the threat, what else did he do, Madam Witness?
A: He held my hands but I cannot move because I was so afraid and as if I was floating the air (sic). Then after he removed my short he tried to insert his penis and it was very painful.

Q: Was he able to insert his penis into your organ?
A: Yes, sir. He succeeded in inserting his penis into my vagina.

Q: And for how long did he do that to you?
A: It lasted for quite long.

Q: And what (sic) happened while both of you were standing?
A: Yes, sir.

Q: Did you not shout when he do (sic) that to you?
A: I was not able to shout because I was so afraid because I do not know what to do. I pleaded to him but he did not listen to me.

Q: After he did that to you, what else did he do to you?
A: And after that he left and left a word that I should be the one to wash my panty and should not be shown to my parents (sic) because otherwise he will kill me.[19]