

# FIRST DIVISION

[ G.R. No. 246460, June 08, 2020 ]

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

## DECISION

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

Under consideration is the appeal filed by accused-appellant Michael Quinto (accused-appellant), seeking the reversal of the Decision<sup>[1]</sup> dated October 24, 2018 rendered by the Court of Appeals (CA) in CA-G.R. CR HC No. 09732, which affirmed the Regional Trial Court's (RTC's) Decision<sup>[2]</sup> convicting the accused-appellant of the crime of Rape against the private complainant, AAA,<sup>[3]</sup> with modifying circumstance of use of bladed weapon to commit the felony.

### The Antecedents

An Amended Information was filed indicting the accused-appellant for Rape under Article 266-A of the Revised Penal Code (RPC) in relation to Republic Act (R.A.) No. 7610<sup>[4]</sup> by the prosecution against the accused-appellant, the accusatory portion of which reads:

That on or about the 26<sup>th</sup> day of March 2004, in the [XXX], Philippines and within the jurisdiction of this Honorable Court, the above- named accused, with lewd design and actuated by lust, by means of force, threat, violence and intimidation, being then armed with bladed weapon, and taking advantage of superior strength, did then and there, willfully, unlawfully and feloniously have carnal knowledge of one [AAA], a minor of 14 years old against her will and without her consent, to her damage and prejudice.

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

During the arraignment, the accused-appellant pleaded not guilty. Trial ensued thereafter.

### Evidence for the Prosecution

The prosecution's evidence tends to prove that complainant AAA, who was then 14 years of age, was on her way to the store to buy bread when she noticed her neighbor, accused-appellant, behind her pointing a knife. She was brought to the house of a certain "Bornoy"; where she saw Bornoy, Annabelle, Lenlen and two Jenells. Accused-appellant brought AAA to another room where he ordered her to sniff *marijuana*. Out of fear, she followed accused-appellant. Thereafter, she felt dizzy. That was the time when accused-appellant undressed her and inserted his

penis in her private part. When he was done, he ordered her to put on her clothes and warned her not to tell anyone about what transpired. She went to her house afterwards, which is located nearby. In time, she revealed her harrowing experience to her aunt.

On March 29, 2004, AAA's aunt told BBB, AAA's mother, about what happened. Shocked, she confronted AAA and asked her if what she came to know was true. AAA admitted the incident after an emotional breakdown.<sup>[6]</sup>

The next day, AAA, together with her mother, reported the incident to the police. The National Bureau of Investigation (NBI) conducted a medical examination on AAA. Dr. Salome Fernandez (Dr. Fernandez), the Medico-Legal Officer of NBI assigned to assist AAA, found a clear evidence of healed injury secondary to intravaginal penetration by a blunt object. These observations were corroborated by Dr. Valentin Bernales, then Acting Chief of the Medico-Legal Division of the NBI. Aside from that, Dr. Ma. Victoria Briguella (Dr. Briguella), a psychiatrist, after a thorough psychological examination of AAA, discovered that she had been suffering from mild mental retardation and that her mental age was between seven to eight years old compared to her chronological age of 14 years old at the time of the alleged rape.<sup>[7]</sup>

### **Evidence for the Defense**

On the other hand, accused-appellant vehemently denied the charge against him. To exculpate himself from any liability, the accused-appellant averred that he and AAA had a relationship and that the sexual congress was consensual. He further alleged that their relationship was known to AAA's aunts and that they usually met at the house of accused-appellant's friend, Bornoy.

According to the accused-appellant, in the afternoon of March 26, 2004 at 3 o'clock in the afternoon, he was at home along with his grandfather watching television. Furthermore, he testified that he did not meet AAA that day.

The statement of the accused-appellant that he and AAA were sweethearts was affirmed by accused-appellant's friends Alfredo Timbang (Alfredo) and Ruther Prodigalidad (Ruther). This allegation was also confirmed by Zenaida Sangil (Zenaida), accused-appellant's neighbor.<sup>[8]</sup>

### **Ruling of the Trial Court**

On July 19, 2017, the RTC rendered a Decision<sup>[9]</sup> convicting the accused-appellant of the crime of Rape defined and penalized under Article 266-A of the RPC, as amended, in relation to R.A. No. 7610. The dispositive portion reads as follows:

WHEREFORE, premises considered, the prosecution having proved all the elements of Rape under Article 266-A, of our Revised Penal Code, as amended, in relation to Republic Act No. 7610, beyond reasonable doubt, the accused herein MICHAEL QUINTO, of [XXX] is hereby CONVICTED of the crime of RAPE against the private complainant, [AAA], with modifying circumstance of use of bladed weapon to commit said felony, and the Court hereby sentence him to suffer in prison the penalty of [reclusion

perpetua] without possibility of parole and to pay his victim, [AAA] the amount of Seventy Five Thousand Pesos (P75,000.00) as civil indemnity, Seventy Five Thousand Pesos (P75,000.00) as moral damages, and Thirty Thousand Pesos (P30,000.00) as exemplary damages, all with interest at the rate of Six Percent (6%) per annum from the date of finality of this judgement. No costs.

SO ORDERED.<sup>[10]</sup>

The RTC was convinced that the prosecution was able to establish accused-appellant's guilt beyond reasonable doubt for the crime of rape with modifying circumstance of use of bladed weapon to commit said felony.<sup>[11]</sup>

Based on its observation, the testimony of AAA narrating the rape incident was credible. In contrast, the version of the defense of denial and alibi was found by the RTC to be incredulous. Likewise, the sweetheart defense was not given credence by the RTC as it cannot prevail over the positive identification and straightforward testimony given by AAA.<sup>[12]</sup>

Aggrieved, the accused-appellant filed an appeal before the CA asseverating error in the conviction due to the incredibility of the testimony of the accused and the failure of the RTC to consider the accused-appellant's sweetheart defense and alibi despite the fact that these were corroborated by the numerous witnesses.<sup>[13]</sup>

### **Ruling of the CA**

On October 24, 2018, the CA rendered the assailed Decision<sup>[14]</sup> affirming accused-appellant's conviction of the crime of rape with modifying circumstance of use of bladed weapon to commit the felony. The CA reasoned that AAA's testimony was believable and sufficient to establish the incident of rape committed by accused-appellant. The CA reiterated that as to matters relating to credibility of witnesses, the findings of the trial court is accorded high respect, if not conclusive effect. Moreover, the fact that AAA has been diagnosed with mild mental retardation lends more credibility in her testimony because a witness of subnormal mental capacity would not publicly admit that she was abused if it were not true.

Furthermore, the sweetheart theory and alibi defense espoused by the accused were rejected by the CA because it did not prove that it was physically impossible for the accused-appellant to be at the scene of the crime and that no abuse ever took place even if it were true that they were lovers.

Thus, the dispositive portion of the assailed CA Decision reads:

WHEREFORE, the *Appeal* is hereby DENIED. The Decision dated 19 July 2017 of the Regional Trial Court, 4<sup>th</sup> Judicial Region, Cavite City, Branch 17, in Criminal Case No. 146-04 is AFFIRMED WITH MODIFICATION in that the amount of exemplary damages is increased to P75,000.00.

SO ORDERED.<sup>[15]</sup>

Dissatisfied with the Decision of the CA, accused-appellant filed a Notice of Appeal dated November 12, 2018.<sup>[16]</sup> Both the plaintiff-appellee and the accused-appellant manifested that they are adopting their respective briefs before the CA as their Supplemental Briefs before this Court.<sup>[17]</sup>

### **The Issue**

The primordial issue for the Court's resolution is whether or not accused-appellant's conviction should be sustained.

In seeking the reversal of the CA Decision, accused-appellant asserts the alleged incredibility of the testimony of AAA. According to the accused-appellant, it was highly impossible for him to have pointed a *balisong* at AAA's back within public view and in broad daylight. Likewise, accused-appellant states that it was quite perplexing why AAA did not seek help when they were at the house of Bornoy given that there were other people in the house. Also, no witnesses were presented to testify that indeed AAA was at the house of Bornoy at the alleged time of the incident.

In addition, accused-appellant insists the appreciation of his sweetheart defense for the reason that it was corroborated by credible witnesses. Furthermore, the accused-appellant avers that he was at the house of his grandfather watching television at 3 o'clock in the afternoon and that he did not see AAA on March 26, 2004. Such fact was corroborated by Zenaida.<sup>[18]</sup>

On the other hand, the People, through the Office of the Solicitor General, counters that the prosecution proved the guilt of the accused-appellant beyond reasonable doubt through the testimony of AAA which was found by the RTC and the CA to be clear, categorical and straightforward, unshaken by the defense's cross-examination, thereby bearing the earmarks of truthfulness. AAA unwaveringly and positively identified accused-appellant as the person who sexually abused her without any purpose rather than to bring him to justice.<sup>[19]</sup>

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

The instant petition is bereft of merit. However, we find it proper to modify the nomenclature of the offense to conform to the ruling in the case of *People v. Tulagan*.<sup>[20]</sup>

In the aforementioned case, it was already ruled that if the victim is 12 years or older, the offender cannot be accused of both rape under Article 266-A paragraph 1(a) of the RPC and sexual abuse under Section 5(b) of R.A. No. 7610 because it may violate the right of the accused against double jeopardy. Furthermore, under Section 48 of the RPC, a felony, in particular rape, cannot be complexed with an offense penalized by a special law, such as R.A. No. 7610, to wit:

Assuming that 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 — e.g., carnal knowledge or sexual intercourse was due to "force or intimidation" with the added phrase of "due to coercion or influence," one of the elements of Section 5(b) of

R.A. No. 7610; or in many instances wrongfully designate the crime in the Information as violation of "Article 266-A, paragraph 1(a) in relation to Section 5(b) of R.A. No. 7610," although this may be a ground for quashal of the Information under Section 3(1) of Rule 117 of the Rules of Court — 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, the accused should still be prosecuted 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. Indeed, while R.A. No. 7610 is a special law specifically enacted to provide special protection to children from all forms of abuse, neglect, cruelty, exploitation and discrimination and other conditions prejudicial to their development, We hold that it is contrary to the legislative intent of the same law if the lesser penalty (*reclusion temporal medium to reclusion perpetua*) under Section 5(b) thereof would be imposed against the perpetrator of sexual intercourse with a child 12 years of age or below 18.

Article 266-A, paragraph 1 (a) in relation to Article 266-B of the RPC, as amended by R.A. No. 8353, is not only the more recent law, but also deals more particularly with all rape cases, hence, its short title "*The Anti-Rape Law of 1997.*" R.A. No. 8353 upholds the policies and principles of R.A. No. 7610, and provides a "stronger deterrence and special protection against child abuse," as it imposes a more severe penalty of *reclusion perpetua* under Article 266-B of the RPC, or even the death penalty if the victim is (1) 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 common-law spouse of the parent of the victim; or (2) when the victim is a child below 7 years old.

It is basic in statutory construction that in case of irreconcilable conflict between two laws, the later enactment must prevail, being the more recent expression of legislative will. Indeed, statutes must be so construed and harmonized with other statutes as to form a uniform system of jurisprudence, and if several laws cannot be harmonized, the earlier statute must yield to the later enactment, because the later law is the latest expression of the legislative will. Hence, Article 266-B of the RPC must prevail over Section 5(b) of R.A. No. 7610.<sup>[21]</sup>

Hence, it is clear that the designation of the offense should be "Rape under Article 266-A(1) in relation to Article 266-B of the RPC" as the accused-appellant committed "rape by carnal knowledge" against his victim of "12 years old or below 18."

As to the substantive portion of the accused-appellant's contentions, he attacks AAA's credibility, averring that the facts and circumstances narrated by her are beyond the realm of possibility. Specifically, accused-appellant points out that he could not have pointed a *balisong* at the back of AAA considering that it was in broad daylight and such could be readily seen by people at the store.

Likewise, accused-appellant points out the lack of witnesses that were presented to corroborate the allegation that he was at the house of Bornoy at the time of the