

THIRD DIVISION

[G.R. No. 231984, July 06, 2020]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. LEO
IBÁÑEZ Y MORALES, ACCUSED-APELLANT.**

DECISION

LEONEN, J.:

A man who forces sexual congress on a person is a rapist. Survivors of such cruelty must not be blamed for any action, or lack thereof, that they take when suddenly forced to respond to a threat. Rapist are rapists, and their acts must never be attributed to the victims.

For this Court's resolution is an appeal of the Decision^[1] of the Court of Appeals, which affirmed the Regional Trial Court's Joint Decision^[2] convicting Leo Ibañez y Morales (Ibañez) of four counts of qualified rape.

In four separate pieces of Information, Ibañez was charged with four counts of qualified rape committed on AAA, penalized under Article 248 of the Revised Penal Code. The first Information reads:

That on or about the 25th day of April, 2003, in the Municipality of [REDACTED], Negros Occidental, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with the use of a knife, a deadly weapon, through force, threat and intimidation, taking advantage of his moral ascendancy and with the attendant special qualifying circumstance of relationship and minority, the accused being the uncle, thus, a relative by affinity within the third civil degree of herein victim who was under eighteen (18) years of age, did then and there willfully, unlawfully and feloniously have carnal knowledge of one [AAA], a minor, 17 years old, against her will, in her own dwelling, to her damage and prejudice.

CONTRARY TO LAW.^[3]

The other pieces of Information were similarly worded except for the varying dates for each of the crimes charged.^[4]

When arraigned, Ibañez pleaded not guilty to the crimes charged. Thus, trial ensued. ^[5]

The prosecution, through witnesses AAA, Dr. Jocelyn Gayares (Dr. Gayares), and Dr.

Raymund Antonio Maguad (Dr. Maguad),^[6] narrated the following:

One afternoon in March 2003, while AAA was in her house in [REDACTED], Negros Occidental, Ibañez came in and asked her where her father was. When AAA told him that her father was not home, Ibañez grabbed her and pointed a knife at her. He then kissed her, groped her breasts, and shoved her into a bedroom. He undressed himself, inserted his penis into AAA's vagina, and made a "push-and-pull movement."^[7] After satisfying his savage desires at AAA's expense, Ibañez threatened to kill her if she told her parents of what had transpired.^[8]

Similarly, at around 5:00 p.m. on April 12, 2003, Ibañez came again and asked where AAA's parents were. When he found out that she was alone, he pointed a knife at her, brought her into her bedroom, and forcefully inserted his penis into her vagina. The same thing happened again at around 5:00 p.m. on April 25, 2003.^[9]

The fourth alleged incident happened on May 11, 2003. At 7:00 p.m., Ibañez entered AAA's house when she was alone and began kissing her, only to pause when AAA's friend came into the house. While AAA and her friend watched a television show, Ibañez slept on the sofa, but not before making sure that AAA would not tell on him. By 9:00 p.m., despite AAA's pleas, her friend left. AAA woke Ibañez up and told him to go home, but upon waking up, Ibañez started kissing her again. AAA attempted to flee, but she slipped and fell. Ibañez then went on top of her and sexually abused her for the fourth time.^[10]

Three days later, AAA went to the municipal health office to be examined by Dr. Augustus Ceasar J. Tan. However, the physician died shortly after, and Dr. Maguad testified on his report. Dr. Maguad reported that AAA "had old hymenal lacerations on her external genitalia at the three and nine o'clock position" which may have been caused by a blunt object like a penis.^[11]

Solely testifying for his defense, Ibañez denied raping AAA, whom he admitted to be his niece through marriage. He claimed that he was working as a carpenter and a welder at [REDACTED] Resort in [REDACTED], about 10 kilometers from his house, when the alleged incidents happened.^[12]

Ibañez insisted that he was being framed, and the rape charges were filed on account of his land dispute with AAA's father. He contended that he had not been to AAA's house since 2001 when the land dispute arose.^[13]

In its August 27, 2015 Joint Decision,^[14] the Regional Trial Court convicted Ibañez of four counts of qualified rape. It held that Ibañez's bare denial could not prevail over AAA's "direct, positive and categorical" testimony,^[15] which was corroborated by the results of the medical examination.^[16] The dispositive portion of the ruling read in part:

WHEREFORE, premises considered, judgment is hereby rendered as follows:

(a) In Criminal Case No. 04-26058, finding accused-defendant LEO

IBAÑEZ y MORALES "**GUILTY**" beyond reasonable doubt of the felony of Qualified Rape punishable under Article 266-A in relation to 266-B of the Revised Penal Code. He is therefore convicted of the Information dated January 6, 2004. Accused-defendant LEO IBAÑEZ y MORALES is hereby sentenced to suffer the penalty of *reclusion perpetua* without eligibility of parole with all of its accessory penalties. He is also ordered to **PAY** the 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;

(b) In Criminal Case No. 04-26059, finding accused-defendant LEO IBAÑEZ y MORALES "**GUILTY**" beyond reasonable doubt of the felony of Qualified Rape punishable under Article 266-A in relation to 266-B of the Revised Penal Code. He is therefore convicted of the Information dated January 6, 2004. Accused-defendant LEO IBAÑEZ y MORALES is hereby sentenced to suffer the penalty of *reclusion perpetua* without eligibility of parole with all of its accessory penalties. He is also ordered to **PAY** the 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;

(c) In Criminal Case No. 04-26060, finding accused-defendant LEO IBAÑEZ y MORALES "**GUILTY**" beyond reasonable doubt of the felony of Qualified Rape punishable under Article 266-A in relation to 266-B of the Revised Penal Code. He is therefore convicted of the Information dated January 6, 2004. Accused-defendant LEO IBAÑEZ y MORALES is hereby sentenced to suffer the penalty of *reclusion perpetua* without eligibility of parole with all of its accessory penalties. He is also ordered to **PAY** the 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;

(d) In Criminal Case No. 04-26061, finding accused-defendant LEO IBAÑEZ y MORALES "**GUILTY**" beyond reasonable doubt of the felony of Qualified Rape punishable under Article 266-A in relation to 266-B of the Revised Penal Code. He is therefore convicted of the Information dated January 6, 2004. Accused-defendant LEO IBAÑEZ y MORALES is hereby sentenced to suffer the penalty of *reclusion perpetua* without eligibility of parole with all of its accessory penalties. He is also ordered to **PAY** the 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;

....

SO ORDERED.^[17] (Emphasis in the original)

Aggrieved, Ibañez appealed before the Court of Appeals.^[18]

In his Brief,^[19] Ibañez contended that AAA's testimony was "tainted with inconsistencies and improbabilities which necessarily destroy her credibility."^[20] He pointed out that he could not have held both her hands, mashed her body parts, pulled her underwear, and held a knife all at the same time.^[21] If the previous harrowing experiences really did happen, he averred that it was strange for AAA to not run away or shout for help, but instead keep naively telling him that her parents were not home and letting him in.^[22] He highlighted how, on the fourth time, "[i]nstead of running away, AAA woke [him up], thereby exposing herself again to the possibility [of] another episode of sexual encounter."^[23] He faulted her for having the "audacity" to wake him up, which ran counter to what a woman spoiled of her honor would do. He pointed out that a victim's actions immediately after the incident "is of utmost importance in establishing" rape, which AAA's testimony failed to prove.^[24]

Ibañez also argued that the absence of any physical injury after the alleged rape incidents was "highly suggestive of her lack of resistance to the sexual act, granting *arguendo* that sexual intercourse indeed transpired."^[25] He asserted that AAA seemed to have let him do as he pleased even if she was unrestrained,^[26] and did not put up the slightest resistance.^[27]

In its December 21, 2016 Decision,^[28] the Court of Appeals affirmed the Regional Trial Court's Joint Decision with modifications.

The Court of Appeals ruled that minor inconsistencies in AAA's testimony did not affect her direct and positive assertions.^[29] It held that the absence of physical injuries on AAA did not negate rape, as the presence of physical injuries was not an element of the crime.^[30]

In modifying the ruling, the Court of Appeals raised the award of damages. The dispositive portion of its Decision read:

WHEREFORE, in view of the foregoing, the appeal is **DENIED**. The Decision dated 27 August 2015 of the Regional Trial Court of Bacolod City, Branch 52 finding Leo Ibañez y Morales guilty beyond reasonable doubt of Qualified Rape in Criminal Case Nos. 04-26058/59/60/61 is **AFFIRMED** with **MODIFICATION**. Leo Ibañez y Morales is **ORDERED** to pay AAA the amount of [P]100,000.00 as civil indemnity, P100,000.00 as moral damages and P100,000.00 as exemplary damages for each crime, plus legal interest on all damages awarded at the legal rate of 6% from the date of finality of this Decision.

SO ORDERED.^[31] (Emphasis in the original)

Thus, Ibañez filed a Notice of Appeal.^[32] Accordingly, the Court of Appeals gave due course to the appeal and elevated the case records to this Court.^[33]

In its July 31, 2017 Resolution,^[34] this Court noted the case records and directed the parties to file their respective supplemental briefs.

Both accused-appellant^[35] and plaintiff-appellee People of the Philippines, through the Office of the Solicitor General,^[36] manifested that they would no longer file supplemental briefs. These were noted by this Court in its December 4, 2017 Resolution.^[37]

The sole issue for this Court's resolution is whether or not the Court of Appeals erred in convicting accused-appellant Leo Ibañez y Morales for four counts of qualified rape.

This Court affirms accused-appellant's conviction.

Both the Regional Trial Court and the Court of Appeals held that the prosecution had discharged its burden to prove accused-appellant's guilt beyond reasonable doubt. It is settled that "factual findings of the trial court and its evaluation of the credibility of witnesses and their testimonies are entitled to great respect and will not be disturbed on appeal, unless the trial court is shown to have overlooked, misapprehended, or misapplied any fact or circumstance of weight and substance."

^[38] In *People v. Lita*:^[39]

The Regional Trial Court had the opportunity to personally observe the witnesses during their testimonies. Thus, its assignment of probative value to testimonial evidence will not be disturbed except when significant matters were overlooked. A reversal of its findings becomes even less likely when affirmed by the Court of Appeals.^[40] (Emphasis supplied)

A scrutiny of the records here shows no reason to disturb the Regional Trial Court's factual findings, as affirmed by the Court of Appeals. As their appreciation of the facts and the law reveal no glaring error, this Court will not depart from their uniform rulings.

The Regional Trial Court convicted accused-appellant of four counts of qualified rape. Article 266-A(1) of the Revised Penal Code, as amended, enumerates the elements of rape by sexual intercourse:

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;