

THIRD DIVISION

[G.R. No. 234323, January 07, 2019]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
JORDAN BATALLA Y AQUINO, ACCUSED-APPELLANT.**

DECISION

PERALTA, J.:

On appeal is the May 31, 2017 Decision^[1] of the Court of Appeals (CA) in CA-G.R. CR HC No. 08314 which affirmed the Decision^[2] dated February 26, 2016 of the Regional Trial Court (RTC) of Camiling, Tarlac, Branch 68, finding appellant Jordan Batalla y Aquino guilty beyond reasonable doubt of the crime of rape committed against AAA, a 14-year-old minor.^[3]

The antecedent facts are as follows.

On September 12, 2011, an Information was filed against Batalla for the crime of rape under Article 266-A, paragraph 1(a) of the Revised Penal Code (RPC), in relation to Republic Act (R.A.) No. 7610, the accusatory portion of which reads:

That on or about August 5, 2011, around 11:00 PM in the Municipality of XXX, Philippines and within the jurisdiction of this Honorable Court, the above-named accused by means of threat and intimidation, did then and there wilfully, unlawfully and feloniously succeeded in having sexual intercourse with AAA, a minor, 14 years old, against her will and without her consent.

CONTRARY TO LAW.^[4]

During arraignment, Batalla, assisted by counsel, pleaded not guilty to the charge. Subsequently, trial on the merits ensued. Presented as witnesses for the prosecution were AAA, the victim, BBB, the father of AAA,. Special Police Officer 4 (SPO4) Jo-Ann Casipit, and Dr. Dalisay Tangonan. Thereafter, the defense presented as witnesses Batalla, his mother, Hilda Batalla, and a certain Ma. Clara Vincecruz.

According to AAA, she is a resident and citizen of the United States, and was on vacation in Camiling, Tarlac, to acquaint herself with her local relatives. She stayed in the house of her aunt Corazon De Mayo. Around 11 o'clock in the evening of August 5, 2011, she was already asleep on a bed in the living room when she was awakened by loud knocks on the door made by her cousin Meco De Mayo. She opened the door and went back to sleep. After a while, she was again awakened as she felt compressed by the weight of a person on top of her. When she opened her eyes, she was surprised to see Batalla, whom she had known to be the friend of her cousin Meco. She could not push him away as he was too strong. AAA narrated that Batalla started to kiss her and warned her not to shout. She became really scared

when Batalla threatened to kill her. Thereafter, Batalla rolled up her shirt and mashed her breast. He pulled her pants off, spread her legs apart, and inserted his penis into her vagina, and penetrated her for about 10 minutes. After the incident, AAA recounted that Batalla slept in a sofa near her while she laid exhausted in bed suffering pain in her entire body. After about 30 minutes, Batalla raped her again which caused her to pass out. The following day, AAA noticed blood stains on her bed and panty. Due to fear, however, she did not say a word to anyone. But a few days after, or on August 11, 2016, her mother confronted her about the incident after having read her diary's entry that she had lost her virginity to Batalla. Consequently, her mother brought her to the Camiling Police Station to report the crime. There, she executed her sworn statement before SPO4 Casipit. On the same day, she was examined by Dr. Tangonan, who found an old hymenal laceration at the 5 o'clock position.^[5]

In his defense, Batalla testified that he arrived home from work at around 5:30 p.m. on August 5, 2011. He briefly ate a meal and helped his mother, Hilda, and his eldest sibling in the preparations for Hilda's birthday party that day. Thereafter, Batalla joined the guests and had v1deo ke until past midnight.

Batalla's testimony was corroborated by Hilda and Ma. Clara Vincacruz. Hilda confirmed that Batalla was at her birthday party until its end at past midnight. Vincacruz, likewise, testified that she attended the party and saw Batalla there. She left the same at around 7:00 p.m., but went back at around 10:00 p.m. According to her, Batalla was attending to the guests until she left at midnight.^[6]

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

WHEREFORE, accused Jordan Batalla y Aquino is hereby found guilty beyond reasonable doubt of the offense of rape in relation to RA 7610 and hereby sentences him to a penalty of *reclusion perpetua* without eligibility of parole.

Accused: Batalla is likewise ordered to pay private complainant the amount of Php75,000.00 as moral damages, another amount of Php75,000.00 as civil indemnity, and still another amount of Php30,000.00 as exemplary damages in line with prevailing jurisprudence. All the damages awarded shall earn interest at the rate of 6% per annum from the date of finality of judgment until fully paid.

SO ORDERED.^[7]

The RTC found that AAA vividly and straightforwardly recounted the sufficient details of the rape incident. When a woman, especially a minor says that she has been raped, she says in effect all that is necessary to show that rape was committed. The fact that AAA did not report the incident is of no moment in view of settled jurisprudence that delay in the filing is not an indication of falsehood. The trial court added that the fact that the sexual assault was committed in a room adjacent to AAA's aunt and cousins does not make her claim any less credible. Neither does the fact that she failed to shout for help during the rape for as AAA stated, she was afraid of Batalla's threats. As regards the absence of external signs of physical injuries as well as the non-presentation of AAA's bloodied underwear and diary, the

RTC held that proof of the same is not an element of rape nor are they indispensable to the conviction of the accused. Finally, the trial court rejected Batalla's defenses of denial and alibi. According to the RTC, it is unbelievable for his mother Hilda to have kept an eye on him throughout her birthday party since she was too busy entertaining her guests. The same is true with Vincecruz who admitted that she was focused on the videoke. As for his alibi that he was not present at the scene of the crime since he was at his mother's birthday party in their house, the RTC ruled that the distance between his house and the house where AAA was at was only two (2) blocks away and could be negotiated in just a five (5)-minute walk.^[8]

In a Decision dated May 19, 2017, the CA affirmed the judgment of conviction *in toto*. According to the appellate court, there was no reason to reverse the findings of the RTC who had the opportunity to observe the conduct of the witnesses.

Now before Us, Batalla manifested that he would no longer file a Supplemental Brief as he has exhaustively discussed the assigned errors in his Appellant's Brief.^[9] The Office of the Solicitor General (OSG) similarly manifested that it had already discussed its arguments in its Appellee's Brief.^[10]

After a careful review of the records and the parties' submissions, the Court finds no cogent reason to reverse the judgment of conviction. There is no showing that the RTC or the CA committed any error in the findings of fact and the conclusions of law. Settled is the rule that the trial court's evaluation and conclusion on the credibility of witnesses in rape cases are generally accorded great weight and respect, and at times even finality, and that its findings are binding and conclusive on the appellate court, unless there is a clear showing that it was reached arbitrarily or it appears from the records that certain facts or circumstances of weight, substance or value were overlooked, misapprehended or misappreciated by the lower court and which, if properly considered, would alter the result of the case. Having seen and heard the witnesses themselves and observed their behavior and manner of testifying, the trial court stood in a much better position to decide the question of credibility. Indeed, trial judges are in the best position to assess whether the witness is telling a truth or lie as they have the direct and singular opportunity to observe the facial expression, gesture and tone of voice of the witness while testifying.^[11]

In the instant case, the RTC aptly found that the prosecution sufficiently established the presence of the elements of rape under Article 266-A, paragraph 1(a) of the RPC.^[12] During the trial, AAA vividly gave a detailed narration of what transpired in the evening of August 5, 2011. In a sincere and convincing manner, AAA painstakingly recounted how she was suddenly awakened by Batalla who was on top of her, how he kissed her very hard, spread her legs, and took away her virginity by inserting his private organ into hers. She re-lived that time when she had to keep the harrowing experience to herself in fear of the threats made to her by Batalla, *viz.*:

Q: Ms. Witness, so you were awakened by the weight of Jordan on top of you. What happened after you were awakened by the weight of Jordan on top of you?

A: He started kissing me very hard.

Q: Other than started kissing you very hard, what happened

next?

A: I could not breathe because I was suffocating under the... because I am claustrophobic sometimes and tired so I can't really breathe. I was trying to breathe through my nose. I was trying to push him away but I guess he did not feel it because he was strong.

Q: So you were pushing him back?

A: Yes.

Q: Were you able to successfully push him back?

A: No.

Q: After you failed to push him back, what happened next?

A: I was trying to make sound but he told me to be quiet.

Q: You are trying to make a sound?

A: Yes, I was trying to make a sound but he told me to be quiet.

Q: When you said you kept silent, do you recall if those words were made in English or in any language?

A: Made in English.

Q: What did he say to you?

A: Be quiet in a harsh voice. He did not want anyone to hear.

Q: It was a harsh word in saying be quiet?

A: Yes.

Q: What did you feel when this person told you to be quiet when he is on top of you?

A: I was scared.

Q: What do you feel when you say I was scared?

A: I feel restricted to move, I feel restricted to talk, I did not want to.

Q: Is my understanding correct that you were not able to move or you were not able to talk because of fear?

A: Yes.

Q: While you were not able to move and talk because of fear, what did this Jordan do?

A: He then proceeded to open my ____, rolled up my shirt and placed his hand on my left shoulder.

Q: When you said he placed his hand over your shoulder, you felt pressure?

A: Yes.

Q: When you felt pressure, what did you do, if any?

A: I was still scared, you know.

Q: When he was able to pin you as you claimed you were scared, what happened next?