

## THIRD DIVISION

[ G.R. No. 218210, October 09, 2019 ]

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.  
NOLI VILLEGAS, JR. Y LACRETE, ACCUSED-APPELLANT.**

### DECISION

**HERNANDO, J.:**

On appeal is the September 24, 2014 Decision<sup>[1]</sup> rendered by the Court of Appeals (CA) in CA-G.R. CEB-CR HC No. 01553 affirming the Decision<sup>[2]</sup> of the Regional Trial Court (RTC) of Barotac Viejo, Iloilo, Branch 66, convicting accused-appellant Noli Villegas, Jr. y Lacrete (Villegas) of rape with homicide.

#### **The Antecedents:**

Accused-appellant Villegas appeals his conviction for rape with homicide. He denies the charge and argues that his guilt has not been proven beyond reasonable doubt.

The pertinent facts, as stated in the Appellee's Brief (represented by the Office of the Solicitor General), are as follows:

On x x x November 12, 2003 at around 5 o'clock in the afternoon, victim AAA<sup>[3]</sup> asked permission from her mother, BBB,<sup>[4]</sup> to go with x x x Villegas, Jr. to visit a friend in Barangay x x x, Estancia[, ] Iloilo. BBB did not allow AAA to go with [Villegas] but, thereafter, she noticed that her daughter x x x was no longer in [their] house.

At 5:30 x x x, Felicidad Bornaes [who] was fetching water at the jetmatic pump in Barangay x x x, Estancia, Iloilo x x x noticed AAA [in the company of Villegas]. Felicidad observed that AAA was wearing a black striped t-shirt and floral shorts while [Villegas] was wearing a white t-shirt, maong pants and x x x carrying x x x a dark blue bag. While fetching water, Felicidad [overheard Villegas inviting] AAA to go with him somewhere in the nearby mountain but AAA declined because her mother might get angry. After Felicidad x x x finished fetching water, she left the place [leaving Villegas] and AAA still x x x conversing with each other.

At 8 o'clock in the evening of the same day, BBB got worried when she noticed [that] AAA was still not home. BBB went out to look for AAA x x x but to no avail. She then asked help from one of the children of her neighbor, Jun-jun dela Cruz, and her daughter, CCC,<sup>[5]</sup> to look for AAA. They went to the house of Eva Catalan [Catalan], the aunt of [Villegas], but the latter [denied knowing] the whereabouts of AAA and [Villegas].

Thereafter, about [eight] 8 meters on their way out [of Catalan's house], they noticed x x x sledge prints leading to [the] abandoned house of Antonio Lacrete which was 35 meters away. Upon reaching the abandoned house, they entered through the slightly opened door and found a white t-shirt, a pair of black slippers with green strap[s] and a pair of yellow slippers belonging to AAA. They also noticed x x x blood stains on the bamboo floor. Thereafter, BBB together with [CCC] and Jun-jun went to the barangay to report the incident.

Barangay Captain Editha Lamigo with her [t]anods went with BBB, CCC and Jun-jun to the abandoned house. When they arrived, they found a dark-blue bag containing a pair of maong pants, money worth P 80.50 and torn birth certificate of [Villegas].

Thereafter, BBB[,] together with the barangay officials went to the house of Noli Villegas, Sr., accused-appellant's father[,] to inquire on the whereabouts of his son and AAA. However, he told the barangay officials [that] he did not know where his son [was]. So they went back to the abandoned house.

At 11 o'clock in the evening, BBB was informed by a certain Nico that AAA's body was found dumped in a pond along the rice field.

On November 14, 2003, [Villegas], accompanied by his father, surrendered to the authorities.<sup>[6]</sup> (Citations omitted)

On April 28, 2004, an Information was filed charging Villegas with Rape with Homicide, the accusatory portion of which reads:

That on or about November 12, 2003 in the x x x Province of Iloilo, Philippines and within the jurisdiction of this Honorable Court, the above-named accused [Noli Villegas, Jr. y Lacrete] with the use of force, and with lewd design did then and there willfully, unlawfully and feloniously have carnal knowledge of AAA, without her consent and against her will and by reason or in the occasion of such rape with a decided purpose to kill, did then and there willfully, unlawfully and feloniously attack, assault and strike a hard object on the victim's head which caused intracranial hemorrhage due to a traumatic injury of the head which resulted to her death.

CONTRARY TO LAW.<sup>[7]</sup>

During his arraignment, Villegas entered a plea of "not guilty."<sup>[8]</sup> At the pre-trial, the parties stipulated only on the identity of Villegas as the person who was charged in the Information.<sup>[9]</sup>

During trial, the prosecution established that after AAA's body was retrieved from

the rice paddy, the same was submitted for a medical examination wherein the attending medico-legal officer, Police Chief Inspector Owen Jaen Lebaquin (Lebaquin), found that the cause of death was intracranial hemorrhage due to a traumatic injury to the head. He likewise noted that the victim sustained wounds, abrasions and contusions, and had recently lost her virginity.<sup>[10]</sup> This was noted in his Medico-Legal Report No. M-760-2003<sup>[11]</sup> dated November 16, 2003.

Aside from this, the prosecution submitted the respective *Sinumpaang Salaysay* of BBB<sup>[12]</sup> and Felicidad Bornaes<sup>[13]</sup> (Bornaes) which supported the prosecution's version of the incident.

Bornaes, during her testimony, averred that she saw AAA talking to Villegas in the vicinity of the jetmatic pump. She narrated that she overheard Villegas inviting AAA to go to the mountain but AAA declined since it was already late and BBB might get angry. Bornaes described the clothes which AAA and Villegas wore as well as the bag which Villegas held at the time.<sup>[14]</sup> On cross-examination, she stated that AAA and Villegas were still in the area where the jetmatic pump was when she left after fetching water.<sup>[15]</sup>

AAA's mother, BBB, testified that she last saw AAA alive around 5 o'clock in the afternoon of November 12, 2003, when the latter asked permission to accompany Villegas to visit a friend in the neighboring barangay. BBB, however, did not allow AAA to leave. Afterwards, AAA left to fetch water from a water pump but did not return home anymore. At around 8 o'clock in the evening, BBB, along with her other daughter and the children of her neighbors, started looking for AAA.<sup>[16]</sup> BBB asked Eva Catalan, Villegas' aunt, where AAA and Villegas were but Catalan denied knowing their whereabouts. However, when they were about to leave Catalan's house, they noticed sledge prints on the ground around eight (8) meters away leading to the abandoned house owned by Antonio Lacrete.<sup>[17]</sup>

BBB also narrated the following details, as follows:

Q: What did you find when you reached [the] abandoned house of Mr. Lacrete?

A: x x x I saw that the door was open and [when] we entered x x x we saw a white T-shirt and [a pair of] black slippers with green strap[s] and x x x [a pair of] yellow slippers owned by my daughter [AAA].

x x x x

Q: Besides this T-shirt, this slipper, what else did you find if any inside that abandoned house?

A: [Droplets] of blood on the bamboo floor of the abandoned house.

x x x x

Q: What did you do then when you found x x x these things [that] you mentioned? What else did you do?

A: I returned to the house of Eva Catalan bringing along with me

that white T-shirt, Sir.

Q: Why did you return to the house of Eva Catalan bringing that white T-shirt?

A: We returned there to ask for x x x help [in locating] my daughter [AAA] and I reported to her that we saw [droplets] of blood and upon seeing the white T-shirt, she cried with this remark "Ay, he really killed her" (Ay, pjnatay niya gid gali).<sup>[18]</sup>

They then reported the matter to the barangay captain who helped them search the area. Eventually, they found the dark blue bag supposedly containing Villegas' personal effects. Thereafter, they asked Villegas' father about his son's whereabouts but he claimed that he had no clue. Later on, BBB was told that AAA's body has been found in the rice field.<sup>[19]</sup>

During cross-examination, BBB denied that AAA and Villegas were sweethearts.<sup>[20]</sup> She confirmed that the droplets of blood on the bamboo floor of the abandoned house were found near the pair of black slippers.<sup>[21]</sup>

Editha Lamigo (Lamigo), the barangay captain at the time, testified about the contents of the bag. Lamigo said that BBB found the bag near the abandoned house and that it was turned over to her. She however handed the bag over to a *kagawad* since she had to leave. Upon her return, Lamigo retrieved the bag from the *kagawad* and inventoried the contents thereof in the presence of the police. Afterwards, she turned over the bag to the police for it to be sealed as evidence.<sup>[22]</sup> However, Lamigo admitted that she was unsure whether somebody previously opened the bag before the same was turned over to her for safekeeping.<sup>[23]</sup>

Conversely, Catalan, Villegas' aunt, testified that she saw Villegas talking to AAA on November 12, 2003. She claimed that Villegas and AAA were sweethearts. She averred that at around 5 o'clock in the afternoon, she sent Villegas on an errand, *i.e.*, to borrow *palay* from Ronilo Esteban (Ronilo) and even gave him fare money.<sup>[24]</sup> She denied having uttered "*Ay, he really killed her*" as alleged by BBB. However, she admitted that Villegas kept some of his belongings inside the abandoned house.<sup>[25]</sup>

On cross-examination, Catalan revealed that after Villegas left to borrow *palay* from Ronilo, he did not return that same night because of the inclement weather; moreover, he supposedly dried the *palay* at Ronilo's place.<sup>[26]</sup>

Ronilo, Villegas' uncle, testified that Villegas arrived at his house around 6 o'clock in the evening of November 12, 2003 to borrow *palay* upon the request of Catalan. He asserted that Villegas slept at his house that night and did not leave due to the heavy rains and the need to dry the *palay*.<sup>[27]</sup> Ronilo alleged that after Villegas found out that the police was looking for him, the latter told him that he did not kill AAA and that he wanted assistance to surrender in order to prove his innocence.<sup>[28]</sup> On cross-examination, Ronilo stated that the distance from his house to Villegas' residence could be traversed in 10 to 15 minutes.<sup>[29]</sup>

Finally, Villegas insisted that he and AAA were sweethearts.<sup>[30]</sup> He averred that Catalan asked him to borrow *palay* and that from November 12, 2003 until November 14, 2003, he stayed at the house of his uncle (Ronilo) due to heavy rains.<sup>[31]</sup> He alleged that he last saw AAA on November 12, 2003 when he helped her fetch water.<sup>[32]</sup> He denied the allegations against him.<sup>[33]</sup>

### ***The Ruling of the RTC***

In a Decision<sup>[34]</sup> dated December 15, 2011, the RTC found that the circumstantial evidence adduced by the prosecution all point to Villegas, and to no other, as the perpetrator of the crime. It made the following observations:

1. [Villegas] and [AAA] [were] neighbors and sweethearts. It [was] not difficult for [Villegas] to convince and lure the victim to go with him to any secluded place;
2. [AAA asked permission from] her mother that she will [accompany] Villegas, Jr. to [visit a friend in a neighboring barangay], but her mother did not permit [her]. Yet, the victim left the house and by inference, she went with no other person except x x x Villegas. In fact, prosecution witness Felicidad Bornales saw them at the [vicinity of the] jetmatic pump and she even [over]heard the accused convincing the victim to go with him to the nearby mountain;
3. Bloodstains were found at the abandoned house where [Villegas] used to sleep. [The] [v]ictim's slippers were also found there. [Villegas'] dark blue bag which contained his tattered birth certificate, among others, [was] also found there. That bag was seen by prosecution witness Felicidad Bornales being carried by [Villegas] while he was together with the victim at the [vicinity of the] jetmatic pump. The white T-shirt owned by x x x Villegas, Jr. which he was wearing when they were seen by prosecution witness Felicidad Bornales at the jetmatic pump was also found in the abandoned house along with the blood-stained yellow slippers of the victim, [AAA]. Again, by inference, the commission of the crime took place in that abandoned house;
4. The last person seen in [the] company of the victim was x x x Villegas, Jr. It was 5:30 in the afternoon and then five (5) hours later the dead body of the victim was found.<sup>[35]</sup>

The trial court opined that the victim's body was dumped in the muddy portion of the rice field to avoid timely discovery. Furthermore, it ruled that it was not physically impossible for Villegas to be at the vicinity where the crime was committed since the place was very accessible by any mode of transportation. Similarly, it noted that Villegas' defense of alibi was only corroborated by his close relatives, which should be taken with caution. The dispositive portion of the RTC's