

THIRD DIVISION

[G.R. Nos. 225642-43, January 17, 2018]

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. JUVY D. AMARELA AND JUNARD G. RACHO, ACCUSED-APPELLANTS.

DECISION

MARTIRES, J.:

This is an appeal from the 17 February 2016 Decision^[1] of the Court of Appeals (CA) in CA-G.R. CR HC Nos. 01226-MIN and 01227-MIN affirming *in toto* the 26 June 2012 Joint Judgment^[2] of the Regional Trial Court, Branch 11 of Davao City (RTC). The RTC found Juvy D. Amarela (*Amarela*) and Junard G. Racho (*Racho*) guilty beyond reasonable doubt of two (2) different charges of rape.

THE FACTS

The two (2) Informations in this case read:

Criminal Case No. 64,964-09

That on or about February 10, 2009, in the City of Davao, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, through force, did then and there willfully, unlawfully and feloniously have carnal knowledge of [AAA], against her will, immediately after boxing her legs.^[3]

Criminal Case No. 64,965-09

That on or about February 11, 2009, in the City of Davao, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, through force, did then and there willfully, unlawfully and feloniously have carnal knowledge of [AAA], against her will, immediately after grappling her.^[4]

These two (2) cases were jointly tried before the RTC, and Amarela and Racho's appeals, although separate, were consolidated in the CA on 13 November 2015.^[5]

The RTC summarized the factual milieu of this case:

Prosecution presented [AAA], single, housekeeper and a resident of [XXX], Calinan, Davao City. On February 10, 2009, at around 6:00 o'clock in the evening, she was watching a beauty contest with her aunt at Maligatong, Baguio District, Calinan, Davao City. The contest was being held at a basketball court where a make-shift stage was put up. The only lights available were those coming from the vehicles around.

She had the urge to urinate so she went to the comfort room beside the building of the Maligatong Cooperative near the basketball court. Between the cooperative building and the basketball court were several trees. She was not able to reach the comfort room because [Amarela] was already waiting for her along the way. Amarela suddenly pulled her towards the day care center. She was shocked and was no match to the strength of Amarela who pulled her under the stage of the day care center. He punched her in the abdomen which rendered her weak. Then Amarela undressed her. She tried to resist him but he was stronger. He boxed her upper thigh and she felt numb. He placed himself on top of her and inserted his penis inside her vagina and made a push and pull movement. She shouted for help and then three (3) men came to her rescue [so] Amarela fled.

The three (3) persons brought her to a hut. But they closed the hut and had bad intentions with her. So she fled and hid in a neighboring house. When she saw that the persons were no longer around, she proceeded on her way home. She went to the house of Godo Dumandan who brought her first to the Racho residence because Dumandan thought her aunt was not at home. Dumandan stayed behind So Neneng Racho asked her son [Racho] to bring her to her aunt's house instead.

x x x x

[AAA] then said that [Racho] brought her to a shanty along the way against her will. She was told to lie down. When she refused, [Racho] boxed her abdomen and she felt sick. She resisted by kicking him but he succeeded in undressing her. He, then, undressed himself and placed himself on top of [AAA]. [Racho] then inserted his penis into [AAA]'s vagina. After consummating the act, [Racho] left her. So [AAA] went home alone.

When she reached home, her parents were already asleep. She went inside her room and cried. The following morning, she decided to leave home. Her mother was surprised at her decision until eventually, [AAA] told her mother about what happened to her. She told her [eldest] brother first who got very angry.

They reported the matter to the police and eventually [Amarela] and [Racho] were arrested.^[6]

For the defense, Amarela testified for himself denying that he had anything to do with what happened with AAA:

Defense presented [Amarela] who confirmed the fact that on February 10, 2009, he attended the fiesta celebrations in Maligatong, Baguio District, Calinan, Davao City. He said he met private complainant, [AAA], at the cooperative building at around 4:00 o'clock in the afternoon. [AAA] asked him if he knew a person by the name of Eric Dumandan who was allegedly her boyfriend. After a while, Eric Dumandan passed by and so he told him that [AAA] was looking for him. Then he left.

Amarela said he had a drinking spree with his friend Asther Sanchez. While drinking, he felt dizzy and fell down from the bench. So Sanchez brought him to the house of his elder brother Joey in Tawan-tawan. He did not know what happened next because he slept and woke up at six o'clock in the morning.^[7]

On his part, Racho confirmed that he went with AAA to bring her home but also denied raping her:

Defense also presented [Racho], a resident of Sitio Maligatong, Barangay Tawan-tawan, Baguio District, Calinan, Davao City. He testified that he was at the house of his mother on February 10, 2009. At around 10:00 o'clock in the evening, [AAA] arrived with Godo Dumandan. [AAA] was asking for help while crying because she was allegedly raped by three persons in the pineapple plantation.

His mother advised her to just take a bath and change clothes and sleep at his brother's house. But [AAA] wanted to go home. Since he was the only one who was not drunk, Racho was instructed by [his] mother to accompany [AAA] in going to her aunt's house.

When they reached Caniamo, [AAA] did not want to be brought to her aunt's house because she knows the latter would just scold her. Instead, she wanted to be conveyed to their house at Ventura. Since Ventura was far, Racho did not go with her and instead went back home.

When asked about the charge of rape against him, Racho said he could not have done that because his hand is impaired while showing a long scar on his left arm. This was a result allegedly of a hacking incident on September 21, 2008. He offered a Medical Certificate (Exh. 1) issued by Dr. Lugi Andrew Sabal of the Davao Medical Center which indicates that Racho was confined in the said hospital from September 21, 2008 up to October 1, 2008 after an operation on his left forearm. He said that his left arm was placed in a plaster cast but that he removed the cast after three (3) months. He said that even after he removed the cast, his arm was still painful and he could not move it around.

Racho said he was surprised when policemen came to his house on February 11, 2009 and invited him to the police station because there was a complaint for rape against him.

Anita Racho testified that she was at home in the evening of February 10, 2009 together with her husband and sons Bobby and [Racho]. Godo Dumandan arrived together with [AAA] who was allegedly raped by three (3) men. [AAA] appeared madly and wet so she advised her to take a bath and not to go home anymore since it was late. [AAA] insisted on going home, so she asked her son [Racho] to accompany her. [Racho] at first refused pointing to his elder brother Bobby to accompany her. He eventually brought [AAA] home. He came back at around 10:00 o'clock in the evening and then he went to sleep.

The following day, she was surprised when [Racho] was arrested allegedly for raping [AAA]. [Racho] denied raping [AAA].^[8]

Ruling of the Trial Court

In its joint judgment, the RTC found AAA's testimony, positively identifying both Amarela and Racho, to be clear, positive, and straightforward. Hence, the trial court did not give much weight to their denial as these could not have overcome the categorical testimony of AAA. As a result, Amarela and Racho were convicted as follows:

In view of all the foregoing, judgment is hereby rendered in Criminal Case No. 64964-09 finding [Amarela] GUILTY beyond reasonable doubt of the crime of RAPE and hereby imposes upon him the penalty of *reclusion perpetua*.

He is further sentenced to pay [AAA] the sum of FIFTY THOUSAND PESOS (P50,000.00) as civil indemnity and the further sum of FIFTY THOUSAND PESOS (P50,000.00) as moral damages.

In Criminal Case No. 64965-09, judgment is hereby rendered finding [Racho] GUILTY beyond reasonable doubt of the crime of RAPE and hereby imposes upon him the penalty of *reclusion perpetua*.

He is further sentenced to pay [AAA] the sum of FIFTY THOUSAND PESOS (P50,000.00) as civil indemnity and the further sum of FIFTY THOUSAND PESOS (P50,000.00) as moral damages.^[9]

The Assailed CA Decision

Before the CA, Amarela and Racho pointed out that although there were other witnesses, the only material testimony on record was that of AAA. They argued that there were several circumstances casting doubt on AAA's claim that she was raped because her testimony does not conform to common knowledge and to ordinary human experience.

In the assailed decision, the CA affirmed the RTC's judgment *in toto* finding no reason to reverse the trial court's factual findings. It held:

[AAA] has testified in a straightforward manner during her direct examination and remained steadfast in her cross-examination that Amarela sexually abused her on February 10, 2009, and [Racho] abused her five hours later. The first rape incident took place in the daycare center. She was pulled by Amarela while she was on her way to the comfort room located at the back of the x x x cooperative building. Private complainant, full of mud and wet, with dress torn, took refuge at the house of her boyfriend and sought for help. Her boyfriend's father took her to the house of the in-laws of her cousin. [AAA], who was still wet and muddy, begged the mother-in-law of her cousin that she be taken to the house of her aunt. While the in-laws of her cousin helped her by having escorted her to her aunt's house, it turned out however, that [Racho] her escort had another plan in mind. [Racho] sexually abused [AAA], who had no more strength to fight him.

The records render no reason to reverse the factual findings of the court *a quo*. Both of the appellants' denials miserably fail in contrast to [AAA's] positive identification of the accused-appellants as the person who sexually abused her. There is no doubt in our mind that both appellants had carnal knowledge of [AAA]. Her credibility is cemented by her lack of motive to testify against the two appellants, Amarela and [Racho]. There is no evidence to suggest that she could have been actuated by such motive. The People has ably demonstrated the existence of the elements of Rape under the Revised Penal Code, as amended by R.A. No. 8353, or the Anti-Rape Law of 1997. which states:

x x x x

The Court sees no reason to deviate from the well-entrenched rule that in matters of credibility of witnesses, the assessment made by the trial court should be respected and given preponderant weight. [AAA's] ordeal is so traumatic that she would rather forget the whole incident. But once a rape victim has decided to seek justice, that means she is willing to recall the dastardly detail of the animalistic act committed on her person.

[Racho] would have us believe that the charge against him was merely fabricated because, according to him, being raped by two different assailants, on two different occasions and only hours apart, is contrary to the normal course of things.

We are not convinced.

The Supreme Court has once said that rape in itself is prompted by the abnormal need of a man to overpower and control a woman by way of sexual abuse. There is no typical mode, norm, or circumstance in committing rape or sexual abuse for the evil in man has no conscience. In fact, in a catena of cases, the Supreme Court had ruled that rape is no respecter of time or place. Thus, we cannot agree with [Racho]'s argument that just because [AAA] had been raped five hours earlier, the possibility that she might get raped again is nil.

Undeterred, appellants posit that [AAA's] testimony is not substantially corroborated by medical findings as the medical certificate does not show any physical injuries resulting from the alleged use of force by the appellants.

We do not agree.

The absence of any superficial abrasion or contusion on the person of the offended party does not militate against the claim of the latter whose clear and candid testimony bears the badges of truth, honesty, and candor. It must be stressed that *the absence or presence of visible signs of injury on the victim depends on the degree of force employed by the accused to consummate the purpose which he had in mind to have carnal knowledge with the offended woman*. Thus, the force employed in rape need not be so great nor of such a character as could not be resisted. It