

FIRST DIVISION

[G.R. No. 220892, February 21, 2018]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
BENEDICT*** GOMEZ Y RAGUNDIAZ, ACCUSED-APPELLANT.**

R E S O L U T I O N

DEL CASTILLO, J.:

Before the Court is an appeal on the August 20, 2014 Decision^[1] of the Court of Appeals (CA) in CA-G.R. CR-HC No. 05742, which affirmed the July 9, 2012 Decision^[2] of the Regional Trial Court (RTC), Branch 225 of Quezon City, finding appellant Benedict Gomez y Ragundiaz (appellant) guilty beyond reasonable doubt of simple rape.

Factual Antecedents

In an Information dated January 24, 2007, appellant was charged with rape, defined under Article 266-A of the Revised Penal Code (RPC), as amended by Republic Act No. 8353.^[3] The accusatory portion of the Information read:

That on or about the 20th day of January 2007, in Quezon City, Philippines, the said accused, by means of force and intimidation, did then and there willfully, unlawfully and feloniously sexually assault one ["AAA,"]^[4] a minor, 15 years of age, by then and there inserting his penis into her vagina against her will and without her consent, to the damage and prejudice of the said offended party.

CONTRARY TO LAW.^[5]

When arraigned, appellant pleaded "Not Guilty"^[6] to the charge against him.

Subsequently, the parties stipulated on the following facts:

1. The [appellant] here present in Court is the same person charged in the Information. - Admitted.
2. Ben[e]dict Gomez [y] Ragundiaz is the real and complete name of the accused. - Admitted.
3. Private complainant [AAA] is a minor, 15 years of age, at the time of the commission of the alleged crime. - Admitted.

x x x x

6. In the evening of January 22, 2007, [appellant] was arrested by Barangay Protection and Security Officers of Brgy. [XXX], Quezon City. - Admitted.

7. The initial investigation was conducted thereafter by the police officers. - Admitted.^[7]

After the pre-trial was terminated, trial on the merits ensued.

Version of the Prosecution

On January 20, 2007, "BBB" invited "AAA" to the birthday party their classmate, "CCC",^[8] to be held at "BBB's" house. At about 3:00 p.m. of the same day, "AAA", "BBB" "BBB's" brothers, Glen and Mark Anthony (Mark), Pinky, Neil Iliw-Iliw (Neil), Abe, Angeline, and Macky were having a drinking session at the nearby house of Pinky.^[9]

"AAA" was the one serving liquor to the group but Mark replaced her when she felt dizzy after drinking 10 shots of "Matador." Mark gave her another glass of liquor which made her lose consciousness. Upon waking up, "AAA" found herself naked with appellant on top of her and his penis inside her vagina. "AAA" pushed appellant twice but to no avail. She realized that, aside from appellant, a guy unknown to her was lying beside her while Neil was standing near the door of the room where she was lying and Ronald Severino (Ronald) even held her hand when she started to struggle upon seeing appellant on top of her. Not too long thereafter, "AAA" again lost consciousness.^[10]

When she woke up at about 5:00 a.m. the following day, "AAA" found herself lying outside Neil's house. Joe, the brother of Neil, was with her. "AAA," still feeling weak, felt pain in her vagina, which was bleeding. Meanwhile, Joe told her that Mark, Glen, Neil, Ronald, Macky, Dexter, and Talibao had carnal knowledge of her. After learning of these things, "AAA" went to "BBB's" house to get her ("AAA") things. Thereat, "BBB" confirmed what Joe relayed to "AAA."^[11]

On January 22, 2007, "AAA" told her mother about what had happened.^[12] On January 23, 2007, she submitted herself to a medico-legal examination^[13] at the Crime Laboratory at Camp Crame, Quezon City. Such examination revealed "[a]nogenital findings is diagnostic of recent blunt force or penetrating trauma"^[14] upon her.

During trial, "AAA" admitted having executed an Affidavit^[15] retracting her accusation against appellant. She, however, testified that she only executed it under duress. She explained that she owed money to appellant's family. Because of this, appellant's girlfriend and parents forced "AAA" to execute said Affidavit. She added, "*iyong pirma ko daw po iyong kailangan tapas isulat ko lang daw iyong sasabihin nila.*"^[16] Initially, "AAA" refused to abide by the instruction. However, she was told to pay in full her debt of P500.00. Because she had no money, and she was also told that she would not be allowed to go home, she was constrained to execute the Affidavit.^[17]

Version of the Defense

Appellant and "AAA" were classmates and former sweethearts. In the afternoon of January 20, 2007, they went to "CCC's" house for her birthday. Appellant immediately left to change clothes as he was still in his school uniform. He only returned to "CCC's" house at about 5:30 p.m. of the same day.^[18] Upon returning, appellant joined "AAA's" group, which was having a drinking session. At about 6:00 p.m. of even date, he asked permission to leave and accompany "DDD". After bringing "DDD" home, appellant also went home.^[19]

Appellant denied having carnal knowledge of "AAA." He also denied that "AAA" was awakened because he was on top of her. He averred that "AAA" was still mad at him because, when they were sweethearts, he had other girlfriends aside from her.^[20]

Ruling of the Regional Trial Court

In its July 9, 2012 Decision, the RTC found appellant guilty as charged, the decretal portion of the Decision reading as follows:

WHEREFORE, accused Benedict Gomez y Ragundiaz is found guilty beyond a reasonable doubt of simple rape as defined under Art. 266-A, The Revised Penal Code. He is sentenced to suffer imprisonment with the duration of *reclusion perpetua* pursuant to Art. 266-B, The Revised Penal Code. He is ordered to pay ["AAA"] P50,000.00 as civil indemnity, P50,000.00 as moral damages, and P30,000.00 as exemplary damages, plus interest of 6% per annum on each of the amounts reckoned from the finality of this Decision, and the costs of suit.

SO ORDERED.^[21]

The RTC held that "AAA" positively identified appellant as the one who raped her. It stressed that "AAA's" testimony was consistent with her out-of-court statements that she saw appellant on top of her; felt his penis inside her vagina; and, he had sexual intercourse with her.

The RTC decreed that "AAA's" testimony was clear and untainted, and could only have been given by one who underwent such a harrowing experience. On the other hand, it found appellant's denial uncorroborated, and his claim that "AAA" was merely angry at him unsubstantiated.

Ruling of the Court of Appeals

On appeal, the CA affirmed the RTC Decision.

Like the RTC, it gave credence to "AAA's" positive identification of appellant as the person who raped her. The CA also concurred with the finding of the RTC that appellant was guilty of simple rape and in imposing the penalty of *reclusion perpetua* on appellant considering the absence of any modifying circumstances in this case. It likewise sustained the awards of P50,000.00 as civil indemnity, P50,000.00 as moral damages, and P30,000.00 as exemplary damages, and the imposition of interest at the rate of 6% *per annum* on all damages awarded until the same were fully paid.