

THIRD DIVISION

[G.R. No. 214886, April 04, 2018]

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. BERNIE CONCEPCION, ACCUSED-APPELLANT.

DECISION

LEONEN, J.:

This resolves the appeal^[1] from the Court of Appeals March 28, 2014 Decision,^[2] affirming with modification the November 29, 2011 Decision^[3] of Branch 34, Regional Trial Court, La Union. The Regional Trial Court found the accused, Bernie Concepcion (Concepcion), guilty beyond reasonable doubt of the complex crime of forcible abduction with rape. The Regional Trial Court imposed the penalty of *reclusion perpetua* and ordered Concepcion to pay the victim P50,000.00 as moral damages.^[4] On appeal, the Court of Appeals ruled that the crime of rape absorbed the crime of forcible abduction; thus, it found Concepcion guilty only of the crime of rape and imposed the same penalty of *reclusion perpetua*. It ordered Concepcion to pay the victim the amounts of P50,000.00 as moral damages, P50,000.00 as civil indemnity, and P30,000.00 as exemplary damages.^[5]

Informations were filed with the Regional Trial Court, La Union against accused-appellant Concepcion, charging him with serious illegal detention and two (2) counts of rape. The information for serious illegal detention was docketed as Criminal Case No. 2899. The relevant portion stated:

That on or about the 17th day of February 2001, in the Municipality of Province of La Union, Philippines and within the jurisdiction of this Honorable Court, the above-named accused being a private individual did then and there willfully, unlawfully and feloniously kidnap, detain and deprive the liberty of complainant AAA and while detaining the latter inside a house, said accused forcibly and with intimidation and lewd design, have sexual intercourse with complainant twice against her will and consent, all to the damage and prejudice of said complainant and her personal liberty and security.^[6]

The informations for rape were docketed as Criminal Case Nos. 2900 and 2901, and read, in part:

Crim. Case No. 2900

That on or about the 17th day of February 2001, at 8:00 o'clock in the evening at Brgy. Municipality of Province of La Union, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, by means of force and intimidation and with lewd design did then and there wil[l]fully, unlawfully and feloniously have sexual intercourse with

AAA without her consent, to the damage and prejudice of said victim.

CONTRARY TO LAW.

Crim. Case No. 2901

That on or about the 17th day of February 2001, at 5:00 o'clock in the afternoon at Brgy. Municipality of Province of La Union, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, by means of force and intimidation and with lewd design did then and there willfully, unlawfully and feloniously have sexual intercourse with AAA without her consent, to the damage and prejudice of said victim.

CONTRARY TO LAW.^[7]

On June 4, 2002, upon arraignment in the consolidated criminal cases, accused-appellant pleaded not guilty,^[8] and trial ensued.

The prosecution's version of the events was as follows:

AAA and her common-law husband lived rent-free in a house owned by Concepcion. In return, they helped maintain the house and contributed to utility bills.^[9]

On February 17, 2001, at around 5:00 p.m., AAA arrived home in a tricycle, bringing with her a sack of rice. Concepcion was at the gate of the house, drunk, when AAA arrived. She went inside the house to place her lunchbox and to find someone to help her carry the sack of rice. Concepcion intercepted her at the garage area. He held a knife to her back and dragged her to his room. Then he locked his room and blocked its door using his bed. Concepcion then pulled AAA to the bed and told her to undress. She begged Concepcion not to rape her. He undressed her, pulled down his pants, cut her underwear using his knife, and then inserted his hand in her vagina. AAA felt pain and struggled. Then, Concepcion inserted his penis into her vagina.^[10]

Shortly after, a vehicle arrived and a person who introduced himself as Chief of Police Pedro Obaldo, Jr.^[11] called on Concepcion to release AAA. In response, Concepcion demanded that the police first produce the men who raped his girlfriend, Malou Peralta (Peralta). The police then brought the three (3) men demanded by Concepcion. Then, Concepcion told the police to bring Peralta and her father, which they did. When Peralta arrived, Concepcion refused to release AAA unless Peralta admitted that she had been raped. At first, Peralta refused to admit this, but later did just so Concepcion would release AAA. Then, Concepcion asked that Board Member Alfred Concepcion be produced. When he arrived, however, Concepcion asked him to leave.^[12]

Concepcion then inserted his penis in AAA's vagina again, holding a knife to her neck. Mayor Joaquin Ostrea's arrival interrupted the rape. He tried, but failed, to convince Concepcion to release AAA. Concepcion instructed AAA to dress up. She could not find her shirt, however, and wore Concepcion's shirt instead.^[13]

Then, to electrocute those who might enter the room, Concepcion installed electric wires on the door. The police officers used their vehicle to create noise outside, starting its engine and honking its horn. They forcibly entered Concepcion's room, breaking the window and the door. PO3 Bartolome Oriña, Jr. (PO3 Oriña)^[14] pulled AAA and exited through the window. AAA then passed out.^[15]

Thereafter, Concepcion was arrested and brought to the police station. AAA was brought to the hospital where Dr. Maribeth Baladad (Dr. Baladad) examined her. Dr. Baladad testified that there were abrasions and lacerations in her genital area, caused by the forceful entry of an object or organ.^[16]

Concepcion did not present evidence before the Regional Trial Court.^[17]

In its November 29, 2011 Decision,^[18] the Regional Trial Court found Concepcion guilty of the complex crime of forcible abduction with rape, considering that she was forcibly abducted and then sexually assaulted. It dismissed one (1) charge of rape for failure of the prosecution to establish the same with moral certainty. The dispositive portion of this Decision read:

WHEREFORE, in view of the foregoing, a judgment is hereby rendered finding accused Bernie Concepcion GUILTY beyond reasonable doubt of the complex crime of Forcible Abduction with Rape and is hereby sentenced to serve the penalty of imprisonment of Reclusion Perpetua.

Further, accused is hereby ordered to pay FIFTY THOUSAND (PHP 50,000.00) PESOS as moral damages.

SO ORDERED.^[19]

Concepcion appealed the Regional Trial Court Decision to the Court of Appeals. In his appellant's brief, he admitted detaining AAA and holding her against her will. However, he claimed that "his intention was not to detain" but "to extract an admission from his girlfriend of the fact of her being raped and ... to bring the alleged perpetrators out in the open."^[20] He stressed that even AAA testified that he assured her release provided that those who raped his girlfriend were presented. This was also corroborated by PO3 Oriña.^[21] He insisted that no evidence was presented to show any other intention than to attract attention to the alleged rape of his girlfriend.^[22] Absent proof that Concepcion's intent was to deprive AAA of her liberty, he should not be convicted under Article 267 of the Revised Penal Code. Similarly, absent proof that he abducted AAA with lewd designs, Concepcion could not be convicted of forcible abduction under Article 342 of the Revised Penal Code.^[23] Further, Concepcion insisted that the testimonies presented by the prosecution did not establish beyond reasonable doubt that he raped AAA. It was established that at the time of the alleged rape, AAA was on her fourth day of menstruation, yet no evidence was presented showing traces of menstrual discharge on the bed sheets or on Concepcion's clothing. Moreover, while it may have been established that the coitus had occurred, Dr. Baladad could not determine the date of such occurrence^[24] or recall whether the lacerations she found on AAA were fresh or old.^[25] Finally, it was not shown that the spermatozoa found inside AAA belonged to Concepcion.^[26]

The Court of Appeals denied Concepcion's appeal in its March 28, 2014 Decision.^[27] It found that the elements of rape had been proven beyond reasonable doubt. It ruled that carnal knowledge was established by AAA's testimony, which was corroborated by the Physical and Medical Examination and testimony of Dr. Baladad, who examined AAA on February 18, 2001. Dr. Baladad found abrasions on her flank area, left posterior shoulder, and right knee, as well as a laceration on her fourchette. The Exfoliative Cytology Report established the presence of spermatozoa and of a moderate inflammation. That the carnal knowledge was accomplished through force or intimidation was established by AAA, who testified that Concepcion held a knife to her neck and that her pushes were ineffective against Concepcion, who was stronger than her.^[28]

The Court of Appeals also found that the prosecution established the elements of abduction. However, the Court of Appeals ruled that the crime of rape absorbed the forcible abduction, considering that it was established that the forcible abduction of AAA was for the purpose of raping her.^[29] The Court of Appeals also increased the amount of damages awarded by the trial court. The dispositive portion of its Decision read:

WHEREFORE, premises considered, the appeal is DENIED. The Decision dated 29 November 2011 of the Regional Trial Court, First Judicial Region, Branch 34, La Union in Crim. Case Nos. 2899, 2900 & 2901 is AFFIRMED with MODIFICATION, in that accused-appellant is hereby found guilty beyond reasonable doubt of the crime of rape under Article 266-A of the Revised Penal Code, as amended by Republic Act No. 8353, and sentenced to suffer the penalty of imprisonment of *reclusion perpetua*; and he is ORDERED to pay the victim AAA not only the amount of Php 50,000.00 as a moral damages already awarded by the trial court, but also the amounts of Php 50,000.00 as civil indemnity, and Php 30,000.00 as exemplary damages, plus interest on all damages at the rate of six percent (6%) per annum from finality of this Decision until fully paid.

SO ORDERED.^[30]

Thus, Concepcion filed a Notice of Appeal with the Court of Appeals.^[31]

In compliance with its May 14, 2014 Resolution,^[32] which gave due course to accused-appellant's notice of appeal, the Court of Appeals elevated the records of the case to this Court.^[33] In its January 14, 2015 Resolution,^[34] this Court required the parties to submit their respective supplemental briefs. The parties filed their respective manifestations in lieu of supplemental briefs on March 19, 2015^[35] and March 31, 2015.^[36]

After considering the parties' arguments and the records of this case, this Court resolves to **DISMISS** accused-appellant's appeal for failing to show reversible error in the assailed decision, warranting this Court's appellate jurisdiction, and to **MODIFY** the assailed decision.

Accused-appellant has failed to present any cogent reason to reverse the factual

findings of the Court of Appeals and of the Regional Trial Court, with regard to his conviction. The trial court's factual findings, its assessment of the credibility of witnesses and the probative weight of their testimonies, and its conclusions based on these factual findings are to be given the highest respect, and when these are affirmed by the Court of Appeals, this Court will generally not re-examine them.^[37] However, this Court modifies the assailed decision.

To recall, three (3) informations were filed against accused-appellant for two (2) counts of rape and one (1) count of serious illegal detention. Accused-appellant was uniformly acquitted of the second count of rape due to the failure of the prosecution to establish beyond reasonable doubt that it actually happened. As for the remaining two (2) charges, the Regional Trial Court and the Court of Appeals both considered the first count of rape and the charge of serious illegal detention as necessarily linked.

Upon studying the records of this case, this Court finds AAA's testimony as sufficient to establish beyond reasonable doubt that there was a second incident of rape.

The Court of Appeals and the Regional Trial Court found AAA's testimony to be credible. Thus, in affirming accused-appellant's conviction for the first count of rape, the Court of Appeals March 28, 2014 Decision properly explained:

(Indeed) (i)n resolving rape cases, primordial consideration is given to the credibility of the victim's testimony. Further, it bears stressing that (i)n a prosecution for rape, the accused may be convicted solely on the basis of the testimony of the victim that is credible, convincing, and consistent with human nature and the normal course of things, as in (the present) case. No law or rule requires the corroboration of the testimony of a single witness in a rape case. Due to its intimate nature, rape is usually a crime bereft of witnesses, and, more often than not, the victim is left to testify for herself.

In this case, accused-appellant had carnal knowledge of AAA by inserting his penis into AAA's genitalia, and the same was accomplished through force, threat or intimidation. AAA testified that she was not able to fight back because accused-appellant's knife was pointed at her neck and that while she tried to push him, he was stronger than her. AAA described the weapon used by accused-appellant as a stainless bread knife which is about 9 inches long. AAA also testified and narrated in detail the manner on how accused-appellant had carnal knowledge of her, despite her efforts of fighting back.

We also find that AAA's claim for rape was corroborated by Dr. Baladad, a Medical Officer III in the OB-Gyne Department of the Ilocos Training and Regional Medical Center, the doctor who examined her, upon the request for Physical and Medical Examination dated 18 February 2001 of Police Chief Inspector Pedro Obaldo, Jr. of the Police Station...

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It has been repeatedly held that no woman would want to go through the process, the trouble and the humiliation of trial for such a debasing