

## SECOND DIVISION

[ G.R. No. 228960, June 11, 2018 ]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. JUNREL R. VILLALOBOS, ACCUSED-APPELLANT.**

### DECISION

**PERALTA, J.:**

Assailed in this appeal is the September 29, 2016 Decision<sup>[1]</sup> of the Court of Appeals (CA) in CA-G.R. CR-HC No. 01316-MIN, which affirmed with modification the April 1, 2014 Decision<sup>[2]</sup> of the Regional Trial Court, Branch 4, Panabo City (RTC), finding accused-appellant Junrel R. Villalobos (*Villalobos*) guilty beyond reasonable doubt of the crime of Rape committed against AAA.<sup>[3]</sup>

#### *The Facts*

Villalobos was indicted for the crime of Rape, defined and penalized under Article 266-A of the Revised Penal Code in an Information, the accusatory portion of which states:

That on or about June 7, 2008 in the City of Panabo, within the jurisdiction of this Honorable Court, the above-named accused, being armed of a handgun and employing force, threats and intimidation, willfully, unlawfully and feloniously had carnal knowledge or sexual intercourse with AAA, against her will, to the damage and prejudice of the above-named complaining victim.

CONTRARY TO LAW.

Upon arraignment, Villalobos pleaded not guilty to the charge. After pre-trial was terminated, trial on the merits followed.

#### *Version of the Prosecution*

The Office of the Solicitor General narrates the factual version of the prosecution as follows:

At around 8:30 p.m. of 7 June 2008, private complainant AAA was sleeping in her room together with her two minor children, aged two and four. Somebody then entered the room and held AAA's right leg which awakened her. The intruder, whose face was covered such that his eyes were the only ones visible, lifted the mosquito net and pointed a gun at AAA while covering her mouth. AAA asked "Who are you?" and the

intruder replied "Wake up because we will go outside?"

At gun point, AAA followed the intruder. AAA then recognized the voice of the intruder to be that of the accused-appellant as he frequently visited her cousin Joel.

Accused-appellant brought AAA to a *nipa* hut located along a road about 50 meters away from AAA's house. Accused-appellant ordered AAA to remove her dress. She refused and answered "no." Accused-appellant then put down the gun, removed his short pants and thereafter undressed AAA and sucked her breast. Thereafter, he touched and rubbed AAA's vagina and ordered her to lie down while he inserted his penis into her vagina.

Not contented, accused-appellant then ordered AAA to suck his penis. After thirty minutes, he lifted her buttocks and inserted his penis into her anus for another half hour. AAA begged accused-appellant to stop because it was already painful, but accused-appellant ignored AAA's pleas. He continued to make a push and pull movement. Accused-appellant again rubbed her vagina after he put saliva on his hands. AAA was made to suck accused-appellant's penis for over another half an hour.

Although the *nipa* hut was not lighted, AAA saw and recognized the face of the accused-appellant in the moonlight. Also, accused-appellant by then had already removed the t-shirt he used to cover his face. AAA was not able to shout because accused-appellant pointed the gun at her and warned her to keep silent. AAA cried silently.

A "multicab" later approached the direction of the *nipa* hut and the vehicle's light passed through the *nipa* hut. This gave AAA a chance to run away. As she was running towards her house, AAA thought of hiding behind a tree for fear that the accused might be following her. However, she fell into a ditch. AAA had no short pants and only had her shirt on. She cried hard upon reaching her house and reported the incident to her mother.

AAA reported the incident to the police on the following day, 8 June 2008, at about 8:30 in the morning. She also went to a doctor for medical examination.

Police Officer (PO3) Rommel Gumtang, who was assigned at the Panabo City Police Station, testified that he met AAA when she asked that accused-appellant be arrested. At a store near Peda St., Purok 6, San Francisco, Panabo City, AAA pointed to the accused-appellant, who, the police immediately arrested.

Dr. Philip Nolan Demaala conducted the medical examination of AAA. He testified and reported that AAA experienced sexual intercourse or penile penetration. He also found that AAA suffered contusion around her neck and chest.<sup>[4]</sup>

### ***Version of the Defense***

Villalobos, on the other hand, relates his version of the facts in this manner:

Appellant claimed that he and AAA were neighbors for three or four years. Since he and AAA's husband were friends, there were occasions in the past that he visited AAA's house. But he stopped his visits when AAA's husband left for Manila to work.

Appellant denied having sexual intercourse with AAA in the evening of 7 June 2008, as he was already sleeping in his house at the time of the alleged incident. When he woke up the following day (8 June 2008), a certain Joel Baghucan, AAA's cousin, called him while he was fetching water. Joel invited him for a drink. Appellant accepted the invitation, and he and Joel Baghucan drank in the latter's house.

While they were drinking, Joel told the appellant that according to AAA, appellant allegedly raped her. Appellant ignored Joel's remark because he got used to the latter's jokes. But a while later, he saw police officers going to the house of AAA. Not long after, AAA arrived and pointed to him. Thereafter, the police officers arrested him and detained him at the police station.

While appellant was on detention, a person visited him with the message that AAA would withdraw the case if he will give the person the amount of P30,000.00. According to appellant, he remembered the person as the one who placed his arm around the shoulders of AAA when he met the latter before the alleged incident. Thus, he believes that the present case was filed to harass and extort money from him.

Appellant's younger sister, Elmie Joy Villalobos, confirmed his testimony. Specifically, Elmie Joy Villalobos claimed that her family, including the appellant, ate their dinner together at 6:30 in the evening of 7 June 2008. After their dinner, appellant went to sleep while Elmie Joy Villalobos watched television until 11:00 o'clock in the evening. During that entire time, appellant was sleeping in his room. She also confirmed regarding appellant's testimony that a person went to him to ask for P30,000.00 in exchange for the withdrawal of the case.

Robson Villalobos, elder brother of the appellant, also corroborated the latter's testimony. He claimed that he went to sleep at 7:30 in the evening of 7 June 2008 in the same room where appellant was sleeping. Robson knows that appellant remained sleeping in the room because when he woke up at 10:00 in the evening to dress for work, appellant was still on his bed. Also, Robson's bed was positioned barring the door, thus, appellant could not leave the room without his knowledge.<sup>[5]</sup>

### ***The RTC Ruling***

In its Decision dated April 11, 2014, the RTC found Villalobos guilty as charged. The RTC held that the prosecution was able to establish with certitude that Villalobos had

carnal knowledge of AAA through force and intimidation, and such fact was established through the clear and convincing testimony of the said victim who has no motive to falsely testify against Villalobos. The trial court noted that AAA's claim of the rape incident was amply corroborated by the medical report which showed that AAA sustained contusions and fresh hymenal lacerations suggestive of previous penetration. It rejected the twin defenses of denial and alibi interposed by Villalobos declaring the same to be unconvincing and self-serving negative evidence which could not prevail over the positive identification of him by AAA as the culprit to the dastardly deed. The RTC likewise ruled out appellant's defense of extortion for want of sufficient and competent proof. The dispositive portion of the said decision reads:

WHEREFORE, with the foregoing, the accused is hereby found GUILTY beyond reasonable doubt of the felony of rape and is sentenced to suffer the penalty of *reclusion perpetua* without eligibility for parole. He is further ordered to pay the victim the amounts of Fifty Thousand Pesos (P50,000.00) as civil indemnity, Fifty Thousand Pesos (P50,000.00) as moral damages, Thirty Thousand Pesos (P30,000.00) as exemplary damages, and interest on all damages at the rate of six percent (6%) per annum from the finality of the judgment until fully paid.

Accordingly, the accused shall be committed to the Davao Penal Colony for the service of his sentence thereat.

SO ORDERED.<sup>[6]</sup>

Not in conformity, Villalobos appealed the April 1, 2014 RTC Decision before the CA.

### ***The CA Ruling***

On September 29, 2016, the CA rendered its assailed Decision affirming the conviction of Villalobos for Rape. The appellate court declared that the credible testimony of AAA was sufficient to sustain Villalobos' conviction for the crime charged. It debunked appellant's denial and alibi declaring that the same were not satisfactorily established and not at all persuasive when pitted against the positive and convincing identification by the victim. According to the CA, Villalobos' claim that he was in his room sleeping at the time AAA was raped, did not preclude the possibility of his presence at the place of the crime at the time of its commission considering that he lived 300 meters away from AAA. It increased the amounts awarded for moral damages and exemplary damages to P75,000.00 each in consonance with the prevailing jurisprudence. The CA likewise determined that AAA is entitled to the award of P75,000.00 by way of civil indemnity, the *fallo* of which reads:

WHEREFORE, premises considered, the instant appeal is DISMISSED. The Decision dated April 1, 2014 of the Regional Trial Court, 11<sup>th</sup> Judicial Region, Branch 4, Panabo City, in Crim. Case No. 201-2008, finding accused-appellant Junrel R. Villalobos, guilty beyond reasonable doubt for rape is AFFIRMED with MODIFICATION. Junrel R. Villalobos is ORDERED to PAY AAA the amounts of P75,000 as civil indemnity, P75,000.00 as moral damages, and P75,000.00 as exemplary damages. Further, six percent interest (6%) *per annum* is imposed on all the amounts awarded

reckoned from the date of finality of this judgment until the damages are fully paid.

SO ORDERED.<sup>[7]</sup>

### ***The Issues***

Unfazed, Villalobos filed the present appeal and posited the same issues he previously raised before the CA, to wit:

1. Whether the evidence for the prosecution established beyond reasonable doubt that voluntariness on the part of the offended party, during the alleged rape, was absolutely wanting.
2. Whether the trial court failed to appreciate substantial facts and circumstances to cast doubt on the credibility of the private complainant.<sup>[8]</sup>

In the Resolution<sup>[9]</sup> dated March 1, 2017, the Court directed both parties to submit their supplemental briefs, if they so desire. On April 17, 2017, the Office of the Solicitor General filed its Manifestation (Re: In Lieu of Supplemental Brief)<sup>[10]</sup> stating that it will no longer file a supplemental brief as its Appellee's Brief had sufficiently ventilated the issues raised. On April 19, 2017, Villalobos filed a Manifestation In Lieu of Supplemental Brief<sup>[11]</sup> averring that he would adopt all his arguments in his Appellant's Brief filed before the CA.

Essentially, accused-appellant argues that the RTC erred in giving credence to the testimony of AAA and claims that the prosecution evidence failed to overcome his constitutional presumption of innocence. Villalobos submits that a reading of AAA's narration of the events leading to the alleged rape would reveal that the coitus was actually committed with her acquiescence because: (1) there was no testimony that she objected or offered even a small amount of resistance to the sexual advances; (2) she did not shout for help or escape from the perpetrator despite the opportunity to do so; and (3) the alleged coitus lasted for more than 90 minutes. Villalobos further submits that doubt exists on AAA's identification of the culprit because the place was not illuminated, except for the bleak moonlight. He clarifies that he is not abandoning his defense of denial but intends only to highlight the improbabilities in AAA's testimony which tends to cast serious doubt on the veracity of her charge.

Lastly, Villalobos asserts that Judge Dorothy P. Montejo-Gonzaga (*Judge Montejo-Gonzaga*), the RTC judge who wrote the April 1, 2014 decision, was not the judge who observed first-hand private complainant AAA when she testified during direct and cross-examinations. The presiding judge of the RTC, Branch 4, Panabo City who heard the testimony of AAA then was Judge Virginia Hofileña-Europa. He argues that since Judge Montejo-Gonzaga did not have the opportunity to observe AAA's demeanor and deportment on the witness stand, said judge could not have discerned and gauged if private complainant was telling the truth, which further resulted in the failure of the RTC to properly appreciate his defenses and contentions.

### ***The Court's Ruling***