

THIRD DIVISION

[G.R. No. 210430, February 18, 2015]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
RONALD NICAL Y ALMINARIO, ACCUSED-APPELLANT.**

D E C I S I O N

REYES, J.:

On automatic review is the Decision^[1] dated April 26, 2013 of the Court of Appeals (CA), in CA-G.R. CR-HC No. 04072, which affirmed, with modification, the Decision^[2] of the Regional Trial Court (RTC) of Dasmariñas, Cavite, Branch 90, in Criminal Case No. 4131-07 on June 5, 2009, convicting Ronald Nical y Alminario (accused-appellant) of the crime of Rape and imposing on him the penalty of *reclusion perpetua* and indemnity for the victim of P50,000.00 as civil indemnity, P50,000.00 as moral damages and P25,000.00 as exemplary damages.

The Information dated August 28, 2007 charged the accused-appellant with the crime of rape, as follows:

That on or about the 23rd day of August, 2007, in the Municipality of Dasmariñas, Province of Cavite, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, with lewd design and actuated by lust, by means of force, violence and intimidation, did, then and there, willfully, unlawfully and feloniously have carnal knowledge to one [AAA],^[3] by inserting his [p]enis into her genital organ (vagina), against her will and consent, to the latter's damage and prejudice.

CONTRARY TO LAW.^[4]

The accused-appellant pleaded not guilty on arraignment, and when trial ensued, the prosecution presented AAA, the victim, and Dr. Angelito Magno (Dr. Magno), a gynecologist at the Philippine General Hospital (PGH) who examined her. The accused-appellant testified alone in his defense.

AAA worked as a maid for a certain "Ate Michelle", who owned two adjacent houses, one described as "big" and the other "small", in Dasmariñas, Cavite. At around 1:00 p.m. on August 23, 2007, AAA was folding laundry in a room inside the big house when the accused-appellant, who was also a household helper staying in the small house, suddenly entered the room and immediately proceeded to embrace her. She tried to run but the accused-appellant grabbed her by her shorts and pushed her so hard against the concrete wall of the room that she hit her head against it and became dizzy. Sensing the dark intentions of the accused-appellant, AAA managed to stand up and kick him in the leg and run out of the room. The accused-appellant

gave chase and caught up with her in the *sa/a*, where again he embraced her. At that point, AAA lost consciousness, and when she woke up, she was back inside the room she had fled, lying naked with the accused-appellant on top of her and half naked. The accused-appellant inserted his penis into her vagina and she felt pain, but she was able to muster enough strength to push him off with her knee and make her escape. She ran to the other house and told Nelyn Nacion (Nelyn), another maid, what the accused-appellant had just done to her. Nelyn then texted AAA's sister, BBB, who soon arrived, and they reported the incident to the *barangay* officials. Two days later, AAA submitted herself for examination by Dr. Magno at the PGH. From the hospital, BBB took her sister AAA away from her employer.^[5]

Dr. Magno testified that he examined AAA and he entered the results in a Gynecologic Emergency Sheet. He found no signs of any injury, sexual abuse, lacerations, lesions and bleeding in the private parts of AAA, whose hymen he noted was no longer intact. Dr. Magno clarified that AAA could have had prior sexual intercourse months or years earlier, although his medical findings do not exclude the possibility that AAA was raped or sexually abused by the accused-appellant a few days earlier.^[6]

The accused-appellant in his testimony claimed that at 1:00 p.m. on August 23, 2007, he was resting in the *sa/a* of the small house when AAA entered and sat on his stomach. Fearing that they might be seen by his employer, the accused-appellant pushed and shooed her away. But as he chased her off, AAA ran into a chair and tumbled. She hit her head on a hard object and lost consciousness. He lifted and carried her, laid her on the sofa and revived her by fanning and swabbing her face with a wet towel. The accused-appellant insisted that the reason AAA sued him for rape was because she was jealous of another maid, Joan, whom he was courting.^[7]

Ruling of the RTC

In its Decision^[8] dated June 5, 2009, the RTC gave full credence to AAA's narration of her ordeal and found the accused-appellant guilty as charged:

WHEREFORE, premises considered, the Court hereby finds the accused guilty beyond reasonable doubt of the crime of simple rape, as defined and penalized under Article 335 of the Revised Penal Code and hereby sentences the accused to suffer the penalty of reclusion perpetua, and to pay the victim moral damages in the amount of Php50,000.00, civil indemnity *ex-delicto* in the amount of Php50,000.00 and exemplary damages in the amount of Php25,000.00. Costs against the accused.

SO ORDERED.^[9]

Appeal to the CA

On appeal to the CA, the accused-appellant maintained that the prosecution's evidence failed to meet the quantum of proof required to convict him. He asserted that the medical examination results negate AAA's claim that she was raped. They

showed no physical injuries, sexual abuse and lacerations, and since her hymen is no longer intact, it could mean that she had intercourse months before.

The accused-appellant also argued that the “loss of consciousness theory” advanced by the prosecution was incompatible with the information which alleged that he committed rape through force, violence and intimidation. Citing the case of *People v. Gavina*,^[10] the accused-appellant maintained that his right to due process of law was violated because the element of unconsciousness was not alleged in the Information.

On April 26, 2013, the appellate court rendered judgment affirming the guilt of the accused-appellant, as follows:

WHEREFORE, premises considered, We **AFFIRM** the June 5, 2009 Decision of the Regional Trial Court of Dasmariñas, Cavite, Branch 90, subject to the modification that the award of exemplary damages is **INCREASED** from Php25,000.00 to **Php30,000.00; and, accused-appellant is further held liable to pay interest of 6% per annum** on the aspects of civil indemnity, moral damages and exemplary damages, reckoned from the finality of this Decision until full payment.

SO ORDERED.^[11]

Automatic review by the Court

In this automatic appeal, both the accused-appellant and the Office of the Solicitor General (OSG) waived the filing of supplemental briefs, since they would only be repeating their arguments in the court. The Court’s review of the assailed decisions yields no new matters that could prompt a reconsideration or reversal of the accused-appellant’s conviction.

The medical findings on AAA did not preclude rape

In her testimony, AAA gave a clear, credible and complete narration of damning details showing that the accused-appellant did in fact assault her sexually. Pertinent portions of her testimony are reproduced below:

Pros. While you were inside the room of the other house, what Jarlos: transpired next?

A: Pagpasok ko po sa cuarto biglang pumasok si Ronald niyakap ako.

Q: Did you not lock the door when you were already inside the room?

A: Ini-locked ko po.

Q: How was he able to enter the room?

A: Mayroon po siyang susi.

Q: When he was already inside the room, what happened next?

A: Nagpumiglas po ako sa kanya. Lalabas na sana ako nahawakan niya iyong shorts ko kaya nahila ako pabalik sa

kwarto. Tinulak niya ako at nauntog ang ulo ko sa pader.

Q: What did you do when you accidentally bumped your head on the wall?

A: Nakabangon pa po ako at tinadyakan ko si Ronald lumabas ako at hinabol niya ako.

Q: So, you kicked him and then you ran outside the room?

A: Opo.

Q: What happened next?

A: Inabutan nya ako dun sa sala, niyakap nya ako ulit at nawalan na ako ng malay.

Court: Bakit ka naman nawalan ng malay sa pagyakap nya lang sa iyo?

A: Kasi po masakit ang ulo ko dahil nauntog ako. Noong nagising ako nasa kwarto na ako.

Pros. When you woke up, what did you find out?

Jarlos:

A: Masakit po ang ari ko.

Q: What about him? Where was he when you woke up?

A: Nakapatong pa po sa akin.

Q: What was his attire when he was on top of you?

A: Nakasuot po siya ng t-shirt tapos iyong shorts niya ay nakababa hanggang tuhod po.

Q: What about you?

A: Nakahubad po.

Q: Nakahubo't hubad ka?

A: Opo.

Pros. After you felt something painful, what did you do next?

Jarlos:

A: Pumunta na po ako sa kabila tapos inutusan ko iyong pinsan ko na ipa-test ako.

Q: What about him, what did he do when you left the house?

A: Nandoon po sa bahay. Naiwan po siya doon.

Court: Papaano ka nakawala sa pagkakapatong sa iyo ni Ronald?

A: Tinadyakan ko po siya. Hindi na niya ako hinabol uli.

Court: Naramdaman mo ba noong nagising ka na nasa ibabaw mo pa siya?

A: Opo.

Court: Bakit nakaramdam ka ng masakit?

A: Kasi po pinasok niya iyong ari niya sa ari ko. ^[12]

The accused-appellant insisted that he could not be convicted of rape because the medical examination results showed that AAA suffered no lacerations, abrasions or contusions. But while AAA testified that she hit her head against the concrete wall and the hard knock caused her to pass out, Dr. Magno apparently conducted only vaginal and bodily examinations, and did not examine her for concussion or head contusion. Nonetheless, he admitted that while AAA had had previous sexual relations, it did not preclude the fact that she was sexually abused. ^[13]

It is settled that the absence of physical injuries or fresh lacerations does not negate rape, and although medical results may not indicate physical abuse or hymenal lacerations, rape can still be established since medical findings or proof of injuries are not among the essential elements in the prosecution for rape. As held in *People*

v. Campos:^[14]

But a medical examination is not indispensable in a prosecution for rape. In fact, there can be rape even if the medical examination shows no vaginal laceration. As we held in *People v. Dreu*—

It is of no moment either that the medical certificate fails to show that Josephine suffered any contusion or abrasion. Although the results of a medical examination may be considered strong evidence to prove that the victim was raped, such evidence is not indispensable in establishing accused-appellant's guilt or innocence. In *People v. Docena*, we stated:

That there was no medical examination report presented, sign of resistance during the actual copulation, or proof of violence committed against MARGIE does not detract from our conclusion that she was raped. A medical examination is not indispensable in a prosecution for rape. Medical findings or proof of injuries, virginity, or an allegation of the exact time and date of the commission of the crime are not essential in a prosecution for rape.^[15] (Citations omitted)

In *People v. Alicante*,^[16] the Court held that the accused may be convicted on the basis of the lone, uncorroborated testimony of the rape victim, provided that her testimony is clear, positive, convincing and consistent with human nature and the normal course of things.^[17] Truly, the absence of lacerated wounds in the complainant's vagina does not negate sexual intercourse.^[18] In fact, as used in our Revised Penal Code (RPC), "carnal knowledge," unlike its ordinary connotation of sexual intercourse, does not require that the vagina be penetrated or that the hymen be ruptured.^[19]

The accused-appellant tried to impute jealousy on the part of AAA when she charged him with rape, yet he also admitted that he was not courting her. His testimony is rendered more incredible when he claimed that for a month before the alleged rape, the accused-appellant and AAA often exchanged kisses and "played around with each other," and this was happening while he admitted to her that he was courting Joan. The actuations of AAA immediately after the rape belie his story. Although no person observed what transpired between him and AAA that afternoon of August 23, 2007, immediately after she managed to flee from her assailant, AAA told Nelyn that she had just been raped by the accused-appellant, and she asked her to text her sister BBB to come immediately. That same afternoon, after BBB arrived, they reported the incident to the *barangay* officials.

No young woman would admit that she was raped, make public the offense and allow the examination of her private parts, undergo the troubles and humiliation of a public trial and endure the ordeal of testifying to all the gory details, if she had not in fact been raped.^[20]