

FIRST DIVISION

[G.R. No. 170476, December 23, 2009]

**PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS.
RICARDO GRANDE, ACCUSED-APPELLANT.**

D E C I S I O N

LEONARDO-DE CASTRO, J.:

Under review is the **Decision**^[1] **dated August 18, 2005** of the Court of Appeals (CA) in *CA-G.R. CR.-HC No. 00587* finding accused-appellant **Ricardo Grande alias "Ricardo Sayno"** guilty beyond reasonable doubt of the crime of Rape and sentencing him to suffer the penalty of *reclusion perpetua* and to pay the victim the amounts of P50,000.00 as civil indemnity and another P50,000.00 as moral damages. The said CA decision affirmed the January 8, 2001 decision of the Regional Trial Court (RTC), Branch 38, Daet, Camarines Norte, with modification since the RTC only awarded P50,000.00 as damages to the victim.

The Information^[2] dated November 6, 1997, filed with the RTC, charges the accused-appellant with the crime of Rape. The accusatory portion of the Information reads:

That on or about 11:00 in the evening of August 21, 1997, at Purok 1-A, Brgy. San Roque, Mercedes, Camarines Norte, and within the jurisdiction of this Honorable Court, the above-named accused motivated by bestial lust, and by means of force and intimidation, did then and there wilfully, unlawfully and feloniously, had carnal knowledge on one [AAA], a minor, 15 years of age, against her will, to her damage and prejudice.

That the crime was committed with the aggravating circumstance of nocturnity and that it was committed in the dwelling of the offended party, the latter not having given provocation thereon.

When arraigned, accused-appellant pleaded not guilty to the charge. During the trial, the prosecution presented the testimonies of the victim herself, AAA; a neighbor, Anthony Valencia; and Dr. Marcelito B. Abas, the medico-legal officer. The testimony of AAA's mother was dispensed with considering that the defense admitted the purpose for which said testimony was being offered.^[3] For the same reason, the testimony of radio reporter Ric Palacio as to the latter's interview with AAA was likewise dispensed with.^[4] The defense, on the other hand, presented only the accused-appellant. The gist of the divergent positions of the parties on the antecedents of this case is quoted from the CA decision, as follows:^[5]

In August 1997, fifteen year old student [AAA] was renting a room in a boarding house at Purok 1-A, Barangay San Roque, Mercedes, Camarines Norte. In the night of 21 August 1997, [AAA] was roused from her sleep by accused-appellant who was on top of her and in the act of removing her shirt. Accused-appellant who was already naked from the waist down, pressed on [AAA] keeping the latter's hands crossed on her chest and lowered her loose garter shorts and panty down to her knees. He then inserted his penis inside [AAA]'s private part and made pumping motions causing unbearable pain to the poor teenager. All this time, [AAA] pushed her attacker away but her efforts proved futile for accused-appellant was quite heavy for the fifteen year old. Accused-appellant's push and pull motion lasted for about five minutes. After satisfying his lust and before leaving, accused-appellant talking slowly threatened [AAA] not to report what happened or he would kill her and the latter's parents. After that and while still hurting from the pain in her private part, [AAA] fixed her disheveled self and retreated to one side of her room crying. That night she couldn't bring herself to sleep. Still shaken, [AAA] stayed in her room the next morning. At 10:00 o'clock the following morning, [AAA]'s mother arrived. She wasted no time and reported the incident to her mother. Accompanied by their neighbor *Tiang Azon*, [AAA] went to Bombo Radio the next day to request for assistance. On 24 August 1997, [AAA] and her mother went to the police. Assisted by her mother, [AAA] executed a sworn statement narrating the incident. The following day, they went to the Camarines Norte Provincial Hospital for medical examination. The Medico-Legal Officer, Dr. Marcelito Abas, conducted the medical examination and made the following findings:

"GENITAL EXAMINATION:

- = Healed hymenal laceration at 3-7-9-12 o'clock;
- =Vagina admits one (1) finger easily"

For his defense, 25-year old accused-appellant claimed that he and [AAA] were lovers. According to him, [AAA] was introduced to him by a cousin of the former sometime in June 1996. Thereafter, accused-appellant courted her for two days before winning her heart. Then, he left for Sariaya, Quezon for a year. When he returned to Camarines Norte, he courted [AAA] again. Again, [AAA] "answered" him. Thereafter, accused-appellant would frequent the boarding house of [AAA] every afternoon. Sometimes, he would go there at night. Still according to accused-appellant, they had gone out on dates and had sexual intercourse with [AAA] before the complained incident. On that fateful night of 21 August 1997, accused-appellant admitted that he was at the boarding house of [AAA] with two of the latter's classmates. Shortly thereafter, the classmates asked permission to leave and accused-appellant was left in the boarding house with [AAA]. Accused-appellant claimed that they subsequently had sex.

In a decision^[6] dated January 8, 2001, the RTC found the accused-appellant guilty beyond reasonable doubt of the crime of rape as it brushed aside as unworthy of

credence the latter's allegation regarding the existence of an amorous relationship between him and the victim. Dispositively, the decision states:

WHEREFORE, premises considered, having found the accused Ricardo Grande alias "Ricardo Sayno" guilty beyond reasonable doubt for the crime of Rape, he is hereby sentenced to suffer the penalty of Reclusion Perpetua and to pay the offended party the amount of P50,000.00, as damages.

SO ORDERED.

The case was directly elevated to this Court for automatic review. However, in a Resolution^[7] dated December 6, 2004, and pursuant to our ruling in *People v. Mateo*,^[8] the case was transferred to the CA.

In its **Decision dated August 18, 2005**, the CA affirmed the decision dated January 8, 2001 of the RTC but granted an additional monetary award in the amount of P50,000.00 to the victim. In full, the dispositive portion of the decision reads:

WHEREFORE, the decision of the Regional Trial Court, Branch 38, Daet, Camarines Norte, Criminal Case No. 9165 is hereby AFFIRMED. Accused-appellant Ricardo Grande alias "Ricardo Sayno" is found guilty beyond reasonable doubt of the crime of simple rape and is sentenced to reclusion perpetua. Accused-appellant is ordered to pay the victim, [AAA], P50,000.00 as civil indemnity and P50,000.00 as moral damages.

SO ORDERED.

The case was elevated to this Court by the CA for further review.

In a Resolution^[9] dated February 20, 2006, the Court required the parties to file their respective supplemental briefs. In their respective Manifestations,^[10] the parties waived the filing of supplemental briefs and instead adopted their respective briefs filed before the CA.

Accused-appellant contends that the trial court committed errors: 1) in completely ignoring the sweetheart theory interposed by the accused-appellant; and 2) in finding him guilty beyond reasonable doubt of the crime of rape which the plaintiff-appellee refuted.

We sustain the conviction of accused-appellant.

A rape charge is a serious matter with pernicious consequences both for the appellant and the complainant; hence, utmost care must be taken in the review of a decision involving conviction of rape.^[11]

This Court enumerated in *People v. San Antonio, Jr.*^[12] the guiding principles in the

review of rape cases, to wit:

x x x *First*, the prosecution has to show the guilt of the accused by proof beyond reasonable doubt or that degree of proof that, to an unprejudiced mind, produces conviction. *Second*, the evidence for the prosecution must stand or fall on its own merits and cannot draw strength from the weakness of the evidence of the defense. *Third*, unless there are special reasons, the findings of trial courts, especially regarding the credibility of witnesses, are entitled to great respect and will not be disturbed on appeal. *Fourth*, an accusation for rape can be made with facility; it is difficult to prove but more difficult for the person accused, though innocent, to disprove; and *Fifth*, in view of the intrinsic nature of the crime of rape where only two persons are usually involved, the testimony of the complainant must be scrutinized with extreme caution.

With the aforementioned principles in mind, we shall now resolve the case before us.

Article 335 of the Revised Penal Code, the governing law at the time of the commission of the crime,^[13] provides when and how rape is committed, *viz.*:

Art. 335. When and how rape is committed. --- Rape is committed by having carnal knowledge of a woman under any of the following circumstances:

1. By using force or intimidation;
2. When the woman is deprived of reason or otherwise unconscious;
and
3. When the woman is under twelve years of age or is demented.

Thus, for conviction in the crime of rape as alleged in the Information, the following elements must be proved beyond reasonable doubt: *(1) that the accused had carnal knowledge of the victim; and (2) that said act was accomplished through the use of force or intimidation.*^[14]

Accused-appellant does not deny the sexual intercourse between him and AAA that took place on August 21, 1997, the precise date mentioned in the Information. However, as to the second element of the crime, accused-appellant asserts an exculpatory claim that it was consensual sex because he and AAA were sweethearts.

Accused-appellant's invocation of the *sweetheart theory* fails to inspire belief for dire lack of convincing proof.

In *People v. San Antonio, Jr.*,^[15] the Court held:

The "sweetheart defense" is a much-abused defense that rashly derides the intelligence of the Court and sorely tests its patience. Being an affirmative defense, it must be established with convincing evidence - by

some documentary and/or other evidence like mementos, love letters, notes, pictures and the like. Likewise, the "sweetheart theory" appellant proffers is effectively an admission of carnal knowledge of the victim and consequently places on him the burden of proving the supposed relationship by substantial evidence. To be worthy of judicial acceptance, such a defense should be supported by documentary, testimonial or other evidence. x x x

Other than his self-serving assertions, no other evidence was proffered by accused-appellant to establish the existence of a romantic relationship between him and the victim. Thus, the RTC correctly disregarded the defense raised by the accused-appellant that an amorous relationship exists between him and AAA when it held as follows:^[16]

x x x [T]he accused's allegation of an amorous relationship with the private complainant is unworthy of credence. It must be noted that [AAA] was a girl of fifteen and a barrio lass, while accused [was] in his twenties at the time of the incident. Other than [accused's] self-serving testimony, no other evidence, like love letters, mementos or pictures were presented to prove his alleged relationship with [AAA]. x x x Neither was there any corroborative testimony supporting this alleged voluntary amorous liaison. In fact, [AAA] never mentioned that they were even friends. x x x This is not even a case of consenting adults for the victim was only fifteen years old at the time she was raped by the accused. Moreover, there was no evidence whatsoever of any romantic relationship between them.

The total absence of corroborative evidence to support the defense of accused-appellant is highlighted by his failure to present as his witnesses any of AAA's classmates whom he claimed knew of their relationship. Hence, the CA, like the RTC, correctly found accused-appellant's sweetheart theory self-serving which *deserved neither probative weight nor value.*^[17]

The bare claim of accused-appellant fails in the face of AAA's emphatic and unwavering testimony denying any romantic relationship with the accused-appellant, to wit:

[Direct Examination]

FISCAL FERRER:

Q - Prior to August 21, 1997, was there an occasion that you were able to see this Ricardo Grande alias Ricardo Sayno in the vicinity of your boarding house in Mercedes?

WITNESS:

A - Yes, Sir.